THE PREROGATIVE OF PARLIAMENTS in ENGLAND:

Proued in a Dialogue (*pro & contra*) betweene a Councellour of State and a Iuſtice of Peace.

Written by the worthy (much lacked and lamented) Sir *Walter Raleigh* Knight, deceaſed.

Dedicated to the Kings Maieſtie, and to the Houſe of Parlament now aſſembled.

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To the KING.

Most gracious Soueraigne:

THose that are *suppreſt and helpeleſſe are commonly ſilent, wiſhing that the common ill in al ſort might be with their particular misfortunes: which diſpoſition, as it is uncharitable in all men, ſo would it be in me more dogge-like then man-like, to bite the ſtone that ſtrooke me: (to wit) the borrowed authoritie of my Soueragne miſinformed, ſeeing their armes and hands that ſlang it, are moſt of them already rotten. For I muſt confeſſe it euer, that they are debts, and not diſcontentments, that your Maieſty hath laid vpon me; the debts and obligation of a friendleſſe aduerſity, farre more payable in all Kinds, then thoſe of the proſperous: All which, nor*

the least of them, though I cannot discharge, I may yet endeauour it.

And notwithstanding my restraint hath retrenched all wayes, as well the wayes of labour and will, as of all other imployments, yet hath it left with me my cogitations, then which I haue nothing else to offer on the Altar of my Loue.

Of those (most gracious Soueraigne) I haue vsed some part in the following dispute, betweene a Counsellour of Estate, and a Iustice of Peace, the one disswading, the other perswading the calling of a Parliament. In all which, since the Norman Conquest (at the least so many as Histories haue gathered) I haue in some things in the following Dialogue presented your Maiestie with the contentions and successes.

Some things there are, and those of the greatest, which because they ought first to be resolued on, I thought fit to range them in the front of the rest, to the end your Maiestie may be pleased to examine your owne great and Princely heart of their acceptance, or refusall.

The first is, that supposition, that your Maiesties Subiects giue nothing but with adiunction of their own interests, interlacing in one and the same act your Maiesties relieue, and their owne liberties; not that your Maiesties pietie was euer suspected, but because the best Princes are euer the least iealous, your Maiestie iudging others by your selfe, who haue abused your Maiesties trust. The fear'd continuance of the like abuse may perswade the pro-

uision.

uiſion. But this caution, how euer it ſeemeth at firſt ſight, your Maieſty ſhall perceiue by many examples following but frinolous. The bonds of Subiects to their Kings ſhould alwayes be wrought out of Iron, the bonds of Kings vnto Subiects but with Cobwebs.

This it is (moſt renowned Soueraigne) that this trafficke of aſſurances hath beene often vrged, of which, if the Conditions had beene eaſie, our Kings haue as eaſily kept them; if hard and preiudiciall, either to their honours or eſtates, the Creditours haue beene paid their debts with their owne preſumption.

For all binding of a King by Law vpon the aduantage of his neceſsitie, makes the breach it ſelfe lawfull in a King. His Charters and all other inſtruments being no other then the ſuruiuing witneſſes of vnconſtrained will: Princeps non ſubijcitur niſi ſua voluntate libera, mero motu & certa Scientia : *Neceſſary words in all the grants of a King witneſsing that the ſame grants were giuen freely and knowingly.*

The ſecond reſolution will reſt in your Maieſty, leauing the new impoſitions, all Monopolies, and other grieuances of the people to the conſideration of the Houſe; Prouided, that your Maieſties reuenue be not abated, which if your Maieſty ſhall refuſe, it is thought that the diſputes will laſt long, and the iſſues will be doubtfull: And on the contrary, if your Maieſty vouchſafe it, it may perchance be ſtiled a yeelding, which ſeemeth by the ſound to braue the Regalty.

But (most excellent Prince) what other is it to th'eares of the wise, but as the sound of a trumpet, having blasted forth a false Alarme, becomes but common ayre? Shall the head yeeld to the feet? certainly it ought, when they are grieued; for wisdome will rather regard the commodity, then obiect the disgrace, seeing if the feet *lye in fetters, the* head *cannot be freed, and where the feet feele but their owne paines, the head doth not onely suffer by participation, but withall by consideration of the euill.*

Certainly, the point of honour well weighed hath nothing in it to euen the ballance, for by your Maiesties fauour, your Maiesty doth not yeeld either to any person, or to any power; but to a dispute onely, in which the Proposition and Minor proue nothing without a conclusion, which no other person or power can make, but a Maiesty: yea, this in Henry *the third his time was called a wisedome incomparable. For, the King raised againe, recouers his authority: For, being in that extremity as hee was driuen with the Queene and his Children,* Cum Abbatibus & Prioribus satis humilibus hospitia quærere & prandia: *For the rest, may it please your Maiesty to consider that there can nothing befall your Maiesty in matters of affaires more vnfortunately then the summons of a Parliament, with ill successe: A dishonour so perswasiue and aduenturous as it will not onely finde arguments; but it will take the leading of all enemies that shall offer themselues against your Maiesties estate.*

Le

Le Tabourin de la paurete ne faict poinct de breuct: *of which dangerous diſeaſe in Princes, the remedy doth chiefly conſiſt in the loue of the people, which how it may be had and held, no man knowes better then your Maieſty; how to looſe it, all men know, and know that it is loſt by nothing more then by the defence of others in wrong doing. The onely motiues of miſchances that euer came to Kings of this Land ſince the Conqueſt.*

It is onely loue *(moſt renowned Souereigne) muſt preparé the way for your Maieſties following deſires. It is* loue *which obeyes, which ſuffers, which giues, which ſtickes at nothing: which Loue, as well of your Maieſties people, as the loue of God to your Maieſty, that it may alwayes hold ſhall be the continuall prayers of your Maieſties moſt humble vaſſall,*

Walter Ralegh.

A DIALOGVE BETWEENE A COVN. SELLOVR OF STATE, AND A IVSTICE OF PEACE.

COVNSELLOVR. NOW Sir, what thinke you of Mr S. *Iohns* tryall in Star-Chamber? I know that the bruite ranne that he was hardly dealt withall, because he was imprisoned in the Towre, seeing his disswasion from granting a Benevolence to the King was warranted by the Law.

IVSTICE. Surely Sir it was made manifest at the hearing, that M.S. *Iohn* was rather in loue with his owne letter; he confessed hee had seene your Lordships letter before hee wrote his to the Maior of Marleborough, and in your Lordships letter there was not a word whereto the Statutes by Mr S. *Iohn* alleadged, had reference; for those Statutes did condemne the gathering of money from the Subject, vnder title of a free gift; whereas a fift, a sixt, a tenth, &c. was set downe and required. But my good Lord, though diuers Shires haue giuen to his Maiestie, some more, some lesse, what is this to the Kings debt?

COVNS. We know it well enough, but we haue many other projects.

IVST. It is true my good Lord: but your Lordſhip will find, that when by theſe you haue drawn many petty ſumms frō the ſubjects, & theſe ſometimes ſpent as faſt as they are gathered, his Maieſty being nothing enabled thereby, when you ſhalbe forced to demand your *great aide*, the countrey will excuſe it ſelfe in regard of their former payments.

COVNS. What meane you by the *great aide?*

IVST. I meane the aide of Parliament.

COVNS. By Parliament, I would faine know the man that durſt perſwade the King vnto it, for if it ſhould ſucceed ill, in what caſe were he?

IVST. You ſay well for your ſelfe my Lord: and perchance you that are louers of your ſelues (vnder pardon) do follow the advice of the late Duke of *Alva*, who was euer oppoſite to all reſolutions in buſineſſe of importance; for if the things enterprized ſucceeded wel, the advice neuer came in queſtion: If ill, (whereto great vndertakings are commōly ſubiect) he then made his advantage by remembring his countrey councell: But my good Lord, theſe reſerued Politicians are not the beſt ſeruants, for hee that is bound to adventure his life for his Maſter, is alſo bound to adventure his advice, *Keep not backe councell* (ſaith *Eccleſiaſticus*) *when it may doe good.*

COVNS. But Sir, I ſpeake it not in other reſpect then I think it dangerous for the King to aſſemble the three eſtates, for thereby haue our former kings alwaies loſt ſomwhat of their *prerogatiues*. And becauſe that you ſhall not thinke that I ſpeake it at randome, I will begin with elder times, wherein the firſt contention began betwixt the Kings of this land, and their ſubiects in Parliament.

IVST. Your Lordſhip ſhall doe me a ſingular fauour.

COVNS. You know that the Kings of *England* had no formal Parliament till about the 18th yeare of *Henry* the firſt, for in his 17th yeare, for the marriage of his daughter, the King raiſed a tax vpon euery hide of land by the advice of his pri-

vy

vy councell alone. But you may remember how the ſubiects ſoone after the eſtabliſhment of this Parliament, beganne to ſtand vpon termes with the King, and drew from him by ſtrong hand and the ſword the *great Charter*.

IVST. Your Lordſhip ſayes well, they drew from the King the *great Charter* by the ſword, and hereof the Parliament cannot be accuſed, but the Lords.

COVNS. You ſay well, but it was after the eſtabliſhment of the Parliament, & by colour of it, that they had ſo great daring, for before that time they could not endure to heare of S^t *Edwards* lawes, but reſiſted the confirmation in all they could, although by thoſe lawes the Subjects of this Iland were no leſſe free then any of all *Europe*.

IVST. My good Lord, the reaſon is manifeſt; for while the *Normans* & other of the *French* that followed the Conquerour, made ſpoyle of the *Engliſh*, they would not endure that any thing but the will of the Conquerour ſhould ſtand for Law: but after a diſcent or two when themſelues were become *Engliſh*, & found themſelues beaten with their own rods, they then began to ſauour the difference betweene ſubjection & ſlauery, & inſiſt vpon the law, *Meum & Tuum*: & to be able to ſay vnto themſelues, *hoc fac & vives*: yea that the conquering *Engliſh* in *Ireland* did the like, your Lordſhip knowes it better than I.

COVNS. I thinke you gueſſe aright: And to the end the ſubiect may know that being a faithfull ſeruant to his Prince he might enioy his own life, and paying to his Prince what belongs to a Soueraigne, the remainder was his own to diſpoſe. *Henry* the firſt to content his Vaſſals, gaue them the great *Charter*, and the *Charter of Forreſts*.

IVST. What reaſō then had K. *Iohn* to deny the cōfirmatiō?

COVNS. He did not, but he on the cōtrary confirmed both the *Charters* with additions, & required the Pope whom he had thē made his ſuperior to ſtrengthē him with a *goldē bul*.

IVST. But your honour knowes, that it was not long after, that he repented himſelfe.

COVNS. It is true, & he had reaſon ſo to do, for the Barons

refuſed to follow him into France, as they ought to haue done, and to ſay true, this *great Charter* vpon which you inſiſt ſo much, was not originally granted Regally and freely: for *Henry* the firſt did vſurpe the kingdome, and therefore the better to aſſure himſelfe againſt *Robert* his eldeſt brother, hee flattered his Nobility and people with thoſe Charters. Yea King *Iohn* that confirmed them had the like reſpect: for *Arthur* Duke of Britaine, was the vndoubted heire of the crowne, vpon whom *Iohn* vſurped. And ſo to conclude, theſe Charters had their originall from Kings *de facto* but not *de iure*.

IVST. But King *Iohn* confirmed the Charter after the death of his Nephew *Arthur*, when he was then *Rex de iure* alſo.

COVNS. It is true, for he durſt doe no other, ſtanding accurſed, whereby few or none obeyed him, for his Nobility refuſed to follow him into *Scotland*: and he had ſo grieued the people by pulling downe all the Parke pales before harveſt, to the end his deere might ſpoyle the Corne; And by ſeizing the temporalities of ſo many Biſhoprickes into his hands, and chiefly for practizing the death of the Duke of Brittaine his Nephew, as alſo hauing loſt *Normandy* to the French, ſo as the hearts of all men were turned from him.

IVST. Nay by your fauour my Lord, King *Iohn* reſtored K. *Edwards* Lawes after his abſolution, and wrote his letters in the 15th of his reigne to all Sheriffes countermaunding all former oppreſſions, yea this he did notwithſtanding the Lords refuſed to follow him into France.

COVNS. Pardon me, he did not reſtore King *Edwards* Lawes then, nor yet confirmed the Charters, but he promiſed vpon his abſolution to doe both: but after his returne out of France, in his 16th yeare he denyed it, becauſe without ſuch a promiſe he had not obtained reſtitution, his promiſe being conſtrained, and not voluntary.

IVST. But what thinke you? was hee not bound in honour to performe it?

COVNS.

COVNS. Certainely no, for it was determined the case of King *Francis* the first of France, that all promises by him made, whilst he was in the hands of *Charles* the fifth his enemie, were voide, by reason the Iudge of honour, which tells vs he durst doe no other.

IVST. But King *Iohn* was not in prison.

COVNS. Yet for all that, restraint is imprisonment, yea, feare it selfe is imprisonment, and the King was subject to both: I know there is nothing more kingly in a King than the performance of his word; but yet of a word freely and voluntarily giuen. Neither was the Charter of *Henry* the first so published, that all men might plead it for their advantage: but a Charter was left (*in deposito*) in the hands of the Archbishop of Canterbury for the time, and so to his successours. *Stephen Langthon*, who was euer a Traytor to the King, produced this Charter, and shewed it to the Barons, thereby encouraging them to make warre against the King. Neither was it the old Charter simplie the Barons sought to haue cōfirmed, but they presented vnto the King other articles and orders, tending to the alteration of the whole commonwealth, which when the King refused to signe, the Barons presently put themselues into the field, and in rebellious and outragious fashion sent the King word, except he confirmed them, they would not desist from making warre against him till he had satisfied them therein. And in conclusion, the king being betrayed of all his Nobility, in effect was forced to graunt the Charter of *Magna Charta*, and *Charta de Foresti*, at such time as he was inuironed with an Army in the meadowes of *Staynes*, which Charters being procured by force, Pope *Innocent* afterward disavowed, & threatned to curse the Barons if they submitted not themselues as they ought to their Soueraigne Lord, which when the Lords refused to obey, the King entertained an army of strangers for his own defence, wherewith hauing mastered & beaten the Barons, they called in *Lewes* of France (a most vnnaturall resolution) to be their King. Neither was *Magna charta* a law in the 19th of *Henry* the 2d, but simply a Charter which hee

confirmed in the 21th of his reigne, & made it a law in the 25t, according to *Littletons* opinion. Thus much for the beginning of the *great Charter*, which had first an obscure birth from vsurpation, and was secondly fostered & shewed to the world by rebellion.

Ivst. I cannot deny but that all your Lordship hath said is true; but seeing the *Charters* were afterwards so many times confirmed by Parliament & made lawes, & that there is nothing in them vnequall or prejudicial to the King: doth not your Honour thinke it reason they should be obserued?

Covns. Yes, & obserued they are in all that the state of a King can permit, for no man is destroyed but by the lawes of the land, no man dissеized of his inheritance but by the lawes of the land, imprisoned they are by the prerogatiue where the King hath cause to suspect their loyaltie: for were it otherwise, the King should neuer come to the knowledge of any conspiracy or treason against his Person or state, and being imprisoned, yet doth not any man suffer death but by the law of the land.

Ivst. But may it please your Lordship, were not *Cornewallis, Sharpe,* & *Hoskins* imprisoned, being no suspition of treason there?

Covns. They were, but it cost them nothing.

Ivst. And what got the King by it? for in the conclusion (besides the murmure of the people) *Cornewallis, Sharpe,* & *Hoskins* hauing greatly ouershot themselues, and repented them, a fine of 5 or 600l was laid on his Maiesty for their offences, for so much their diet cost his Maiestie.

Covns. I know who gaue the advice, sure I am that it was none of mine: But thus I say, if you consult your memory, you shall finde that those kings which did in their own times confirme the *Magna Charta*, did not onely imprison, but they caused of their Nobility and others to bee slaine without hearing or tryall.

Ivst. My good Lord, if you will giue me leaue to speak freely, I say, that they are not well aduised that perswade the King not to admit the *Magna Charta* with the former re-

ser-

ſeruations. For as the King can neuer looſe a farthing by it, as I ſhall proue anon: So except *England* were as *Naples* is, and kept by Garriſons of another Nation, it is impoſſible for a King of *England* to greaten and inrich himſelfe by any way ſo aſſuredly, as by the loue of his people: For by one rebellion the King hath more loſſe then by a hundred yeares obſeruance of *Magna Charta*. For therein haue our Kings beene forced to compound with Roagues and Rebels, and to pardon them, yea the ſtate of the king, the Monarchie, the Nobility haue beene endangered by them.

Covns. Well Sir, let that paſſe, why ſhould not our kings raiſe mony as the kings of *France* doe by their letters and Edicts only? for ſince the time of *Lewes* the 11th, of whom it is ſaid, that hee freed the French Kings of their wardſhip, the French Kings haue ſeldome aſſembled the States for any contribution.

Ivst. I will tell you why; the ſtrength of *England* doth conſiſt of the people and Yeomanry, the Peſants of *France* haue no courage nor armes: In *France* euery Village and Burrough hath a caſtle, which the *French* call *Chaſteau Villain*, euery good citty hath a good Cittadell, the king hath the Regiments of his guards and his men at armes alwayes in pay; yea the Nobility of *France* in whom the ſtrength of *France* conſiſts, doe alwaies aſſiſt their king in thoſe leavies, becauſe themſelues being free, they make the ſame leavies vpon their tennants. But my Lord, if you marke it, *France* was neuer free in effect from ciuill warres, and lately it was endangered either to be conquered by the Spaniard, or to be cantonized by the rebellious French themſelues, ſince that freedome of Wardſhip. But my good Lord, to leaue this digreſſion, that wherein I would willingly ſatiſfie your Lordſhip, is, that the kings of *England* haue neuer receiued loſſe by Parliament, or preiudice.

Covns. No Sir, you ſhall find that the ſubiects in Parliament haue decreed great things to the diſadvantage and diſhonour of our kings in former times.

IVST. My good Lord, to avoide confuſion, I will make a ſhort repetition of them all, and then your Lordſhip may obiect where you ſee cauſe; And I doubt not but to giue your Lordſhip ſatiſfaction. In the ſixt yeare of *Henry* the 3^d^ there was no diſpute, the houſe gaue the King two ſhillings of euery plough land within *England*, and in the end of the ſame yeare he had *eſcuage* paid him (to wit) for euery knights fee two markes in ſiluer. In the fifth yeare of that King, the Lords demaunded the confirmation of the Great Charter which the kings Councell for that time preſent excuſed, alleadging that thoſe priviledges, were extorted by force during the Kings Minoritie, and yet the King was pleaſed to ſend forth his writ to the Sheriffes of euery county, requiring them to certifie what thoſe liberties vvere, and hovv vſed, & in exchange of the Lords demaund, becauſe they preſſed him ſo violently, the king required all the caſtles & places which the Lords held of his, & had held in the time of his Father, vvith thoſe Manors & Lordſhips vvhich they had heeretofore vvreſted from the Crovvne, vvhich at that time (the King being provided of forces) they durſt not deny. In the 14^h^ yeare he had the 15^th^ peny of all goods giuen him vpon condition to confirme the great Charter: For by reaſon of the vvars in France, & the loſſe of Rochell, hee vvas then enforced to cõſent to the Lords in all they demanded. In the 10^th^ of his reigne hee fined the citty of London at 50000 markes, becauſe they had receiued *Lewes* of France. In the 11^h^ yeare in the Parliament at Oxford, he revoked the great charter being granted vvhen he vvas vnder age, & gouerned by the Earle of Pembroke, & the Biſhop of Wincheſter. In this 11^th^ yeare the Earles of Cornevvall & Cheſter, Marſhall, *Edward* Earle of Pembroke, *Gilbert* Earle of Glouceſter, *Warren*, *Hereford*, *Ferrars*, & *Warwicke*, & others rebelled againſt the King, & conſtrained him to yeeld vnto them in vvhat they demaunded for their particular intereſt, vvhich rebellion being appeaſed, he ſayled into France, & in his 15^th^ yeare he had a 15^ne^ of the temporality, & a diſme & a halfe of the Spirituality, and vvithall eſcuage of euery Knights fee.

COVNS.

COVNS. But what ſay you to the Parliament of *Weſtminſter* in the 16th of the king, where notwithſtanding the wars of *France* and his great charge in repulſing the *Welſh* rebels, he was flatly denyed the Subſiedie demaunded.

IVST. I confeſſe, my Lord, that the houſe excuſed themſelues by reaſon of their poueirty, and the Lords taking of Armes; in the next yeare it was manifeſt that the houſe was practiſed againſt the king: And was it not ſo, my good Lord thinke you in our two laſt Parliaments, for in the firſt euen thoſe whom his Majeſtie truſted moſt, betrayed him in the vnion, & in the ſecõd there were other of the great ones ran counter. But your Lordſhip ſpake of dangers of Parliaments, in this, my Lord, there was a deniall, but there was no danger at all: But to returne where I left, what got the Lords by practizing the houſe at that time? I ſay that thoſe that brake this ſtaffe vpon the K. were ouerturned with the counterbuffe, for hee reſumed all thoſe lands which hee had given in his minority, hee called all his exacting officers to accompt, hee found them all faulty, hee examined the corruption of other magiſtrates, and from all theſe he drew ſufficient mony to ſatisfie his preſent neceſſity, whereby hee not onely ſpared his people, but highly contented them with an act of ſo great Iuſtice: Yea *Hubert* Earle of *Kent*, the chiefe juſtice whom hee had moſt truſted, and moſt advanced, was found as falſe to the King, as any one of the reſt. And for concluſion in the end of that yeare at the aſſemblie of the States at *Lambeth*, the King had the fortith part of euery mans goods given him freely towards his debts, for the people, who the ſame yeare had refuſed to giue the King any thing, when they ſawe hee had ſqueaſed thoſe ſpunges of the common wealth, they willingly yeelded to giue him ſatisfaction.

COVNS. But I pray you, what became of this *Hubert*, whõ the King had favoured aboue all men, betraying his Majeſtie as he did.

IVST. There were many that perſwaded the King to

put him to death, but he could not be drawne to consent, but the King seized vpon his estate which was great; yet in the end hee left him a sufficient portion, and gaue him his life because hee had done great service in former times: For his Majestie, though hee tooke advantage of his vice, yet hee forgot not to haue consideration of his vertue. And vpon this occasion it was that the King, betrayed by those whom hee most trusted, entertayned strangers, and gaue them their offices and the charge of his castles and strong places in *England*.

COVNS. But the drawing in of those strangers was the cause that *Marshall* Earle of *Pembroke* moued warre against the King.

IVST. It is true, my good Lord, but hee was soone after slaine in *Ireland*, and his whole masculine race, ten yeres extinguished, though there were fiue sonnes of them, & *Marshall* being dead, who was the mouer and ring-leader of that warre, the King pardoned the rest of the Lords that had assisted *Marshall*.

COVNS. What reason had the King so to doe?

IVST. Because he was perswaded, that they loued his person, & only hated those corrupt Counselours, that then bare the greatest sway vnder him, as also because they were the best men of warre hee had, whom if he destroyed, hauing warre with the *French*, he had wanted Commanders to haue served him.

COVNS. But what reason had the Lords to take armes?

IVST. Because the King entertayned the *Poictouins*, were not they the Kings vassals also? Should the *Spaniards* rebell, because the *Spanish* King trusts to the *Neopolitans*, *Portagues*, *Millanoies*, and other nations his vassals, seeing those that are governed by the Vice-royes and deputies, are in pollicy to be well entertayned and to be employed, who would otherwise deuise how to free themselues; whereas, beeing trusted and imployed by their Prince, they entertaine themselues with the hopes that other the Kings vassals doe. if the King had called in the *Spaniards*, or other Nations, not his

Subjects

Subjects, the Nobility of *England* had had reaſon of griefe. But what people did euer ſerue the King of *England* more faithfully then the *Gaſcoynes* did even to the laſt of the conqueſt of that Duchy.

IVST. Your Lordſhip ſayes wel, & I am of that opinion that if it had pleaſed the Queene of *Eng.* to haue drawne ſome of the chiefe of the *Iriſh* Nobility into *Eng.* & by exchange to haue made them good freeholders in *Eng.*, ſhee had ſaued aboue 2. millions of pounds which were conſumed in times of thoſe rebellions. For what held the great *Gaſcoigne* firme to the Crowne of *England* (of whom the Duke of *Eſpernon* married the inheritrix) but his Earldome of *Kendall* in *England*, whereof the Duke of *Eſpernon* (in right of his wife) beares the title to this day. And to the ſame end I take it, hath *Iames* our Soueraigne Lord given lands to divers of the Nobility of *Scotland*. And if I were worthy to adviſe your Lordſhip, I ſhould thinke that your Lordſhip ſhould do the King great ſervice to put him in mind to prohibite all the *Scottiſh* nation to alienate and ſell away their inheritance here; for they ſelling, they not only giue cauſe to the *Engliſh* to complaine that the treaſure of *England* is tranſported into *Scotland*, but his Majeſty is thereby alſo fruſtrated of making both Nations one, and of aſſuring the ſervice and obedience of the *Scots* in future.

COVNS. You ſay well, for though thoſe of *Scotland* that are advanced and enriched by the Kings Majeſties will, no doubt ſerue him faithfully, yet how their heires & ſucceſſours, hauing no inheritance to looſe in *England* may be ſeduced is vncertaine. But let vs goe on with our Parliament. And what ſay you to the deniall in the 26th yeare of his reigne, even when the King was invited to come into *France* by the Earle of *March*, who had married his mother, and who promiſed to aſſiſt the King in the conqueſt of many places loſt.

IVST. It is true, my good Lord, that a ſubſidy was then denied, & the reaſons are delivered in *Enliſh* hiſtories, & indeed the King not long before had ſpent much treaſure in ayding

the Duke of Britaine to no purpoſe, for hee drew ouer the King but to drawe on good conditions for himſelfe, as the Earle of *March* his father in law now did: As the Engliſh Barons did invite *Lewes* of *France* not long before, as in elder times all the kings and ſtates had done, and in late yeares the Leaguers of *France* entertayned the *Spaniards*, and the *French* Proteſtants and Netherlands, Queene *Elizabeth*, not with any purpoſe to greaten thoſe that ayde them, but to purchaſe to themſelues an advantageous peace. But what ſay the hiſtories to this deniall? they ſay with a world of payments there mentioned, that the King had drawne the Nobility drie. And beſides, that whereas not long before great ſummes of mony were giuen, and the ſame appointed to be kept in foure caſtles, and not to be expended but by the aduice of the Peeres; it was beleeved that the ſame treaſure was yet vnſpent.

COVNS. Good Sir you haue ſaid enough, judge you whether it were not a diſhonour to the King to be ſo tyed, as not to expend his treaſure, but by other mens aduice as it were by their licence.

IVST. Surely my Lord, the King was well aduiſed to take the mony vpon any condition, & they were fooles that propounded the reſtraint, for it doth not appeare that the King tooke any great heed to thoſe ouerſeers. *Kings are bound by their piety and by no other obligation.* In Queene *Maries* time, when it was thought that ſhee was with child, it was propounded in Parliament, that the rule of the Realme ſhould bee giuen to king *Philip* during the minority of the hoped Prince or Princeſſe, and the king offered his aſſurance in great ſummes of money to relinquiſh the government at ſuch time as the Prince or Princeſſe ſhould bee of age: At which motion when all elſe were ſilent in the houſe, Lord *Daeres* (who was none of the wiſeſt) asked who ſhall ſue the kinges bondes, which ended the diſpute, for what bonde is betweene a king and his vaſſals, then the bond of the kinges faith) But my good Lord the king notwithſtanding the deniall at that time

was

was with gifts from perticular parſons, & otherwiſe ſupplyed for proceeding of his iourney for that time into France, he tooke with him 30 caskes filled with ſilvẽr and coyne which was a great treasure in thoſe dayes. And laſtly not withſtanding the firſt denyall in the Kings abſence hee had Eſcuage graunted him (to wit) 20ˢ of euery Kuights Fee.

Covns: What ſay you then to the 28th yeare of that King in which when the King demaunded reliefe, the ſtates would not conſent except the ſame former order had bin taken for the appointing of 4 overſeers for the treaſure. As alſo that the Lord chief Iuſtice & the Lord Chancellor ſhould be choſẽ by the ſtates with ſome Barõs of the exchequor & other officers.

Ivs: My good Lord admit the King had yeelded their demaunds, then whatſoever had beene ordained by thoſe magiſtrates to the diſlike of the Common wealth, the people had beene without remedie, whereas while the King made them they, had their appeale and other remedies. But thoſe demaunds vaniſhed, and in the end the King had eſcuage giuen him without any of their conditions. It is an excellent vertue in a King to haue patience and to giue way to the fury of mens paſſions. The whale when he is ſtroken by the fiſherman, growes into that fury, that he cannot be reſiſted, but will overthrowe all the ſhips and barkes that come in to his way, but when he hath tumbled a while, hee is drawne to the ſhore with a twind thred.

Covns: What ſay you then to the Parliament in the 29th of that King.

Ivst: I ſay that the commons being vnable to pay, the king relieues himſelfe vpon the richer ſort, and ſoe it likewiſe happened in the 33 of that king, in which hee was relieued chiefely by the Citty of London. But my good Lord in the Parliament in London in the 38 yeare, he had giuen him the tenth of all the reuenues of the Church for three yeares, and 3 markes of every knights Fee throughout the kingdome vpõ his promiſe & oath vpon the obſeruing of *magna Charta* but in the end of the ſame yeare, the king being thẽ in France, he wàs denyed the aydes which he required. What is this to

the danger of a Parliament? eſpecially at this time they had reaſon to refuſe, they had giuen ſo great a ſome in the beginning of the ſame yeare. And again becauſe it was knownt hat the King had but pretended warre with the king of Caſtile with whome he had ſecretly contracted an alliance and concluded a marriage betwixt his ſonne *Edward* and the Lady *Elenor*. Theſe falſe fires doe but freight Children and it commonly falles out that when the cauſe giuen is knowne to be falſe, the neceſſity pretended is thought to be fained, Royall dealing hath euermore Royall ſucceſſe: and as the King was denied in the eight & thirty eth yeare, ſo was he denyed in the nine & thirtieth yeare, becauſe the Nobility and the people ſaw, that the King was abuſed by the Pope it plainly who aſwell in deſpite to *Manfred* baſtard ſon to the Emperour *Fredericke* the ſecond, as to cozen the King and to waſt him, would needes beſtowe on the King the kingdome of Sicilie, to recouer which, the King ſent all the treaſure he could borrow or ſcrape to the Pope, and withall gaue him letters of credence, for to take vp what he could in Italy, the King binding himſelfe for the payment. Now my good Lord the wiſdome of Princes is ſeen in nothing more then in their enterpriſes. So how vnpleaſing it was to the State of England to conſume the treaſure of the land, & in the conqueſt of Sicily ſo farre of, and otherwiſe for that the Engliſh had loſt Normandy vnder their noſes and ſo many goodly parts of France of their owne proper inheritances: the reaſon of the deniall is as well to be conſidered as the denyall.

CONS. Was not the King alſo denyed a ſubſidie in the fourty firſt of his raigne?

IVST. No my Lord, for although the King required mony as before for the impoſſible conqueſt of Sicily, yet the houſe offered to giue 52000 markes, which whether hee refuſed or accepted is vncertaine, & whilſt the King dreamed of Sicily, the Welſh inuaded & ſpoyled the borders of England, for in the Parliament of London, when the King vrged the houſe for the proſecuting the cõqueſt of Sicily, the Lords vtterly diſliking the attempt, vrged the proſecuting of the

Welſhmen

Welſhmen: which Parlament being proroged did again aſ-
ſemble at Oxford, & was called the madde Parlamẽt, which
was no other thẽ an aſſembly of rebels, for the Royall aſſent
of the K. which giues life to all lawes, form'd by the three
eſtates, was not a Royal aſſent, when both the K. & the Prince
were cõſtrained to yeeld to the Lords. A cõſtrained conſent
is the conſent of a Captiue & not of a K., & therefore there
was nothing done there either legally or royally. For if it be
not properly a Parliament where the ſubiect is not free, cer-
tainely it can be none where the King is bound, for all King-
ly rule was taken from the King, and twelue Peeres appoin-
ted, and as ſome writers haue it 24 Peeres, to gouerne the
Realme, and therefore the aſſembly made by *Iack Strawe*
& other rebels may aſwell bee called a Parliament as that of
Oxford. *Principis nomen habere, non eſt eſſe Princeps*, for there-
by was the King driuen not only to cõpoũd all quarrels with
the French, but to haue meanes to be reuenged on the rebell
Lords: but he quitted his right to Normãdy Aniou & Mayne.

COVNS. But ſir what needed this extremity, ſeeing the
Lords required but the confirmation of the former Charter,
which was not preiudiciall to the King to graunt?

IVST. Yes my good Lord, but they inſulted vpon the
King and would not ſuffer him to enter into his own caſtles,
they put downe the Purveyor of the meate for the mainte-
nance of his houſe as if the King had beene a bankrupt, and
gaue order that without ready money he ſhould not take vp
a Chicken. And though there is nothing againſt the royalty
of a King in theſe Charters (the Kings of England beeing
Kings of freemen and not of ſlaues) yet it is ſoe contrary
to the nature of a King to bee forced euen to thoſe thinges
which may be to his aduantage, as the King had ſome reaſon
to ſeeke the diſpenſation of his oath from the Pope, and to
drawe in ſtrangers for his owne defence: yea *Iure ſaluo Co-
ronæ noſtræ* is intended incluſiuely in all oathes and promiſes
exacted from a Soueraigne.

COVNS: But you cãnot be ignorant how dangerous a thing
it is to cal in other natiõs both for the ſpoile they make, as al-

ſo

ſo, becauſe they haue often held the poſſeſſion of the beſt places with which they haue beene truſted.

IVST: It is true my good Lord, that there is nothing ſo daungerous for a King as to be conſtrained and held as priſoner to his vaſſals, for by that, *Edward* the ſecond, and *Richard* the ſecond loſt their Kingdomes and their liues. And for calling in of ſtrangers, was not King *Edward* the ſixth driuen to call inſtrangers againſt the rebels in Norfolke, Cornewall, Oxfordſhire and elſewhere? Haue not the Ks. of Scotland beene oftentimes conſtrained to entertaine ſtrangers againſt the Kings of England, And the King of England at this time had he not bin diuerſe times aſſiſted by the Kings of Scotlād, had bin endāgered to haue bin expelled for ever.

COVNS. But yet you knowe thoſe Kings were depoſed by Parliament,

IVST: Yea my good Lord being Priſoners, being out of poſſeſſion and being in their hands that were Princes of the blood and pretenders. It is an old countrey prouerbe: (that *might overcomes right*) a weake title that weares a ſtrong ſword, commonly prevailes againſt a ſtrong title that weares but a weake one, otherwiſe *Philip* the ſecond had never bin Duke of Portugal, nor Duke of Millayne, nor K. of Naples & Scicilie. But good Lord *Errores non ſunt trahendi in exemplum*: I ſpeake of regall, peaceable, and lawfull Parliaments. The King at this time was but a King in name, for Gloceſter, Leyceſter and Chicheſter made choiſe of other Nyne, to whom the rule of the Realme was committed, & the Prince was forced to purchaſe his liberty frō the Earle of Leyceſter, by giuing for his ranſome the County Pallatine of Cheſter. But my Lord let vs judge of thoſe occaſions by their events, what became of this proud Earle? was hee not ſoone after ſlaine in Eueſham? was he not left naked in the field, and left a ſhamefull ſpectacle, his head being cut off from his ſhoulders, his priuy parts from his body & laid on each ſide of his noſe? And did not God extinguiſh his race, after which in a lawfull parliament at Weſtminſter (confirmed in a following parliament of Weſtminſter, were not all the Lords that followed

followed Leyceſter diſinherited? And when that foole Gloceſter, after the death of Leyceſter (whom he had formerly forſaken) made himſelfe the head of a ſecond rebellion, and called in ſtrangers, for which not lõg before he had cried out againſt the K. was not hee in the end, after that hee had ſeene the ſlaughter of ſo many of the Barons, the ſpoile of their caſtles, & Lordſhips conſtrained to ſubmit himſelfe, as all the ſuruiuers did, of which they that ſped beſt, payd their fines and ranſomes, the King reſerving to his younger ſonne, the Earledomes of Leyceſter and Derby.

COVN: Well ſir, we haue diſputed this King to his graue, though it be true, that he outliued all his enimies, & brought them to confuſion, yet thoſe examples did not terrifie their ſucceſſors, but the Earle Marſhall, and Hereford, threatned King *Edward* the firſt, with a new warre.

IVST: They did ſo, but after the death of Hereford, the Earle Marſhall repented himſelfe, and to gaine the Kings favour, he made him heire of all his lands. But what is this to the Parliament? for there was never K. of this land had more giuen him for the time of his raigne, then *Edward* the ſonne of *Henry* the third had.

COVNS: How doth that appeare?

IVST: In this ſort my good Lord, in this kings third yeare he had giuen him the fifteenth part of all goods. In his ſixt yeare a twentith. In his twelfth yeare a twentyeth, In his fourteenth yeare hee had eſcuage (to wit) forty ſhillings of euery knights Fee: in his eighteenth yeare hee had the eleventh part of all moueable goods within the kingdome, in his nineteenth yeare the tenth part of all Church liuings in England, Scotland and Ireland, for ſixe yeares, by agreement from the Pope, in his three & twentith yeare he raiſed a taxe vpõ wooll and fels, & on a day cauſed all the religious houſes to be ſearched, & al the treaſure in thẽ to be ſeized & brought to his coffers, excuſing himſelfe by laying the fault vpõ his treaſurer, he had alſo in the end of the ſame yeare, of al goods, of all Burgeſſes, & of the Commons the 10th part, in the 25th yeare of the Parliamẽt of *S^{t} Edmũdsbury*, he had an 18th part of the goods of the Burgeſſes, and of the people in generall,

the tenth part. Hee had alſo the ſame yeare by putting the Clergy out of his protection a fift part of their goods, and in the ſame yeare he ſet a great taxe vpon wools, to wit, from halfe a marke to 40ˢ vpon euery ſacke, wherevpon the Earle *Marſhall*, and the Earle of *Hereford* refuſing to attend the King into *Flanders* pretended the greeuances of the people But in the end the king hauing pardoned thē, & cōfirmed the great Charter, he had the ninth penny of all goods from the Lords and Commons of the Clergy, in the South hee had the tenth penny, and in the North the fift penny. In the two and thirtyeth yeare he had a ſubſedy freely graunted. In the three and thirtyeth yeare hee confirmed the great Charter of his owne Royall diſpoſition, and the ſtates to ſhew their thankfulneſſe, gaue the king for one yeare, the fift part of all the revenues of the land and of the Citizens the ſixt part of their goods. And in the ſame yeare the king vſed the inquiſition called *Trai le Baſton*. By which all Iuſtices and other Magiſtrates were grievouſly fined that had vſed extortion or bribery, or had otherwiſe miſdemeaned themſelues to the great contentation of the people. This commiſſion likewiſe did enquire of intruders, barrators & all other the like vermine, whereby the king gathered a great maſſe of treaſure with a great deale of loue. Now for the whole raigne of this king, who governed *England* 35 yeares, there was not any Parliament to his preiudice.

COVNS: But there was taking of armes by *Marſhall* and *Hereford*.

IVST: That's true, but why was that? becauſe the king, notwithſtanding all that was giuen him by Parliament, did lay the greateſt taxes that ever king did without their conſent. But what loſt the king by thoſe Lords? one of them gaue the king all his lands, the other dyed in diſgrace.

COVNS: But what ſay you to the Parliament in *Edward* the Seconds time his ſucceſſor: did not the houſe of Parliament baniſh *Peirce Gaueſton* whom the king favoured?

IVST: But what was this *Gaueſton* but an Eſquier of *Gaſcoine*, formerly baniſht the Realme by king *Edward* the firſt,

for

for corrupting the Prince *Edward*, now raigning. And the whole kingdome fearing and deteſting his venemous diſpoſition, they beſought his Maieſty to caſt him off, which the king performed by an act of his owne, and not by act of Parliament, yea *Gaueſtons* owne fatherinlawe, the Earle of *Gloceſter* w, as one of the Chiefeſt of the Lords that procured it. And yet finding the kings affection to follow him ſo ſtrongly, they all conſented to haue him recalled. After which when his credit ſo increaſed, that hee deſpiſed and ſet at naught all the auncient Nobility, and not onely perſwaded the king to all manner of outrages and riots, but withall tranſported what he liſted of the kings treaſure, and jewels, the Lords vrged his baniſhment the ſecond time, but neither was the firſt nor ſecond baniſhment forced by acte of parliament, but by the forceable Lords his enemies. Laſtly hee being recalled by the king, the Earle of *Lancaſter* cauſed his head to bee ſtricken off, when thoſe of his party had taken him priſoner. By which preſumptuous acte, the Earle and the reſt of his company committed treaſon and murder, treaſon by rayſing an army without warrant, murder by taking away the life of the kings ſubiect. After which *Gaveſton* being dead, the *Spencers* got poſſeſſion of the kings favour, though the younger of them was placed about the K. by the Lords themſelues.

COVNS: What ſay you then to the Parliament held at London about the ſixt yeare of that king?

IVST. I ſay that king was not bound to performe the acts of this parliament, becauſe the Lords beeing too ſtrong for the king, inforced his conſent, for theſe be the words of our own hiſtory. *They wreſted too much beyond the bonds of reaſo.*

CONS. What ſay you to the Parliaments of the white wands in the 13th of the king.

IVST. I ſay the Lords that were ſo moued, came with an army, and by ſtrong hand ſurpriſed the King, they conſtrained, (ſayth the ſtory) the reſt of the Lords and compelled many of the Biſhops to conſent vnto them, yea it ſayth further, that the king durſt not but graunt to all that they requi-

red,(to wit) for the baniſhment of the *Spencers*. Yea they were ſo inſolent that they refuſed to lodge the Queene cõming through *Kent* in the Caſtle of *Leedes*, and ſent her to prouide her lodging where ſhee could get it ſo late in the night, for which notwithſtanding ſome that kept her out were ſoone after taken and hang'd, and therefore your Lordſhip cannot call this a Parliament for the reaſons before alleaged. But my Lord what became of theſe Lawgiuers to the king, even when they were greateſt, a knight of the North called *Andrew Herkeley* aſſembled the Forces of the Countrey, ouerthrew them and their army, ſlewe the Earle of *Hereford* and other Barons, tooke their generall *Thomas* Earle of *Lancaſter*, the Kinges cozen-germane at that tyme poſſeſſed of fiue Earledomes, the Lords *Clifford*, *Talbort*, *Mowbray*, *Maudiut*, *Willington*, *Warren*, Lord *Darcy*, *Withers*, *Kneuill*, *Leybourne*, *Bekes*, *Louell*, *Fitzwilliams*, *Watervild*, and diverſe other Barons, Knights and Eſquires, and ſoone after the Lord *Percy*, and the Lord *Warren* tooke the Lords Baldſemere, and the Lord *Audley*, the Lord *Teis*, *Gifford*, *Tuchet*, and many others that fled from the battaile, the moſt of which paſt vnder the hands of the hangman, for conſtraining the King vnder the colour and name of a Parliament. But this your good Lordſhip may iudge, to whom, thoſe tumultuous aſſemblies (which our hiſtories falſely call Parliaments haue beene daungerous, the Kings in the end ever preuailed, and the Lords loſt their liues, & eſtates. After which the *Spencers* in their baniſhment at *Yorke*, in the 15th of the King, were reſtored to the honors and eſtates, and therein the King had a ſubſedy giuen him the ſixt penny of goods throughout *England*, *Ireland*, and *Wales*.

COVNS: Yet you ſee the *Spencers* were ſoone after diſſolued.

IVST: It is true my Lord, but that is nothing to our ſubiect of Parliament, they may thanke their owne inſolencie, for they branded & deſpiſed the Queene, whom they ought to haue honored as the Kings wife; they were alſo exceeding greedy, & built thẽſelues vpon other mens ruines, they were ambitious & exceeding malitious, wherevpon that came, that

that when Chamberlaine *Spencer* was hang'd in *Hereford*, a part of the 24th *Pſalme* was written over his head: *Quid gloriaris in malitia potens?*

Covns. Well Sir, you haue all this while excuſed your ſelfe vpon the ſtrength and rebellions of the Lords, but what ſay you now to King *Edward* the third, in whoſe time (and during the time of this victorious king, no man durſt take Armes or rebel) the three eſtates did him the greateſt affront that euer king receiued or endured, therefore I conclude where I began, that theſe Parliaments are dangerous for a king.

Ivst. To anſwere your Lordſhip in order, may it pleaſe you firſt to call to minde, what was giuen this great king by his Subjects before the diſpute betwixt him and the houſe happened, which was in his latter dayes, from his firſt yeare to his fift yeare there was nothing giuen the king by his ſubjects: In his eight yeare at the Parliament at *London* a tenth and a fifteenth was graunted: in his tenth yeare hee ceaſed vpon the *Italians* goods heere in *England* to his owne vſe, with all the goods of the *Monkes Cluniacqs* and others, of the order of the *Ciſtertians*. In the eleuenth yeare, hee had given him by parliament a notable relief, the one halfe of the woolls throughout *England*, and of the Cleargy all their wools, after which, in the end of the yeare hee had granted in his parliament at *Weſtminſter*, forty ſhillings vpon every ſacke of wool, and for every thirty wool fels forty ſhillings, for every laſt of leatherne, as much, and for all other merchandizes after the ſame rate. The king promiſing that this yeares gathering ended, he would thenceforth content himſelfe with the old cuſtome, he had ouer and aboue this great ayde the eight part of all goods of all citizens and Burgeſſes, and of others as of forreigne Marchauts, & ſuch as liued not of the gaine of breeding of ſheepe and cattell the fifteenth of their goods: Nay my Lord: this was not all: though more then euer was granted to any king, for the ſame parliament beſtowed on the king the ninth ſheafe of all the corne within the lande, the ninth fleece, and the ninth lambe for two

yeares next following: now what thinke your Lordſhip of this parliament.

COVNS. I ſay they were honeſt men.

IVST. And I ſay, the people are as loving to their king now, as euer they were, if they bee honeſtly and wiſely dealt withall, and ſo his Majeſtie hath found them in his laſt two parliaments, if his Majeſtie had not beene betrayed by thoſe whom he moſt truſted.

COVNS. But I pray you Sir, who ſhall a king truſt, if he may not truſt thoſe whom he hath ſo greatly advanced?

IVST. I will tell your Lordſhip whom the king may truſt.

COVNS. Who are they?

IVST. His owne reaſon, and his owne excellent judgement which haue not deceiued him in any thing, wherein his Majeſtie hath beene pleaſed to exerciſe them, *Take counſell of thine heart* (ſaith the booke of Wiſedome) *for there is none more faithfull vnto thee then it.*

COVNS. It is true, but his Majeſtie found that thoſe wanted no judgement whom hee truſted, and how could his Majeſtie divine of their honeſties?

IVST. Will you pardon mee if I ſpeake freely, for if I ſpeake out of *loue*, which (as *Salomon* ſaith) *covereth all treſpaſſes*, The trueth is, that his Majeſtie would never beleeue any man that ſpake againſt them, and they knew it well enough, which gaue them boldneſſe to do what they did.

COVNS. What was that?

IVST. Even, my good Lord, to ruine the kings eſtate ſo farre as the ſtate of ſo great a king may be ruin'd by men ambitious and greedy without proportion. It had beene a braue increaſe of revenue, my Lord, to haue rayſed 50000l. land of the kings to 20000l. revenue, and to raiſe the revenue of wards to 20000l. more, 40000l. added to the reſt of his Majeſties eſtate, had ſo enabled his Majeſtie, as hee could never haue wanted: And my good Lord, it had beene an honeſt ſervice to the king, to haue added 7000l. lands of the Lord *Cobhams*, woods and goods being worth 30000l. more.

COVNS.

COVNS. I know not the reason why it was not done.

IVST. Neither doth your Lordship, perchance knowe the reason why the 10000l offer'd by *Swinnerton* for a fine of the *French* wines, was by the then Lord Treasurer conferr'd on *Devonshire* and his *Mistris*.

COVNS. What moued the Treasurer to reject & crosse that raising of the kings lands?

IVST. The reason, my good Lord, is manifest, for had the land beene raised, then had the king knowne when hee had given or exchanged land, what hee had giuen or exchanged.

COVNS. What hurt had that beene to the Treasurer whose office is truely to informe the King of the value of all that he giveth?

IVST. So hee did when it did not concerne himselfe nor his particular, for hee could neuer admit any one peece of a good Manour to passe in my Lord *Aubignes* booke of 1000l land, till hee himselfe had bought, & then all the remaining flowers of the Crowne were culled out. Now had the Treasurer suffer'd the Kings lands to haue been raised, how could his Lordshippe haue made choice of the old rents, as well in that book of my Lord *Aubigne*, as in exchange of *Theobalds*, for which hee tooke *Hatfield* in it, which the greatest subject or favorite Queene *Elizabeth* had never durst haue named vnto her by way of gift or exchange. Nay my Lord, so many other goodly Mannors haue passed from his Majestie, as the very heart of the kingdome mourneth to remember it, and the eyes of the kingdome shedde teares continually at the beholding it: yea the soule of the kingdome is heavy vnto death with the consideration thereof, that so magnanimous a Prince, should suffer himselfe to be so abused.

COVNS. But Sir you knowe that *Cobhams* lands were entayled vpon his Cosens.

IVST. Yea, my Lord, but during the liues and races of *George Brooke* his children, it had beene the kings, that is to say, for euer in effect, but to wrest the king, and to draw the inheritance vpon himselfe, he perswaded his Majestie to relinquish

linquiſh his intereſt for a petty ſumme of money; and that there might be no counterworking, he ſent *Brooke* 6000l to make friends, vvhereof himſelfe had 2000l backe againe, *Buckhurſt* and *Barwicke* had the other 4000l, and the Treaſurer and his heires the maſſe of land for euer.

COVNS. What then I pray you came to the king by this great confiſcation.

IVST. My Lord, the kings Majeſtie by all thoſe goodly poſſeſſiõs, vvoods & goods looſeth 500l by the yere which he giueth in penſion to *Cobham*, to maintaine him in priſon.

COV. Certainly, even in conſcience they ſhould haue reſerved ſo much of the land in the Crowne, as to haue giuen *Cobham* meate and apparell, & not made themſelues ſo great gainers, and the King 500l (*per annum*) looſer by the bargaine, but it's paſt: *Conſilium non eſt eorum quæ fieri nequeunt.*

IVST. Take the reſt of the ſentence, my Lord: *Sed conſilium verſatur iu iis quæ ſunt in noſtra poteſtate.* It is yet, my good Lord, *in poteſtate Regis*, to right himſelfe. But this is not all my Lord: And *I* feare mee, knowing your Lordſhips loue to the King, it would put you in a feaver to heare all: *I* will therefore goe on vvith my parliaments.

COVNS. *I* pray doe ſo, and amongſt the reſt, *I* pray you what ſay you to the Parliament holden at *London* in the fifteenth yeare of King *Edward* the third?

IVST. I ſay there was nothing concluded therein to the prejudice of the King. It is true, that a litle before the ſitting of the houſe, the King diſplaced his Chancellour and his Treaſurer, and moſt of all his judges and officers of the exchequer, and committed many of them to priſon, becauſe they did not ſupplie him with mony, being beyond the ſeas, for the reſt, the ſtates aſſembled, beſought the King that the lawes of the two Charters might bee obſerued, and that the great officers of the Crowne might bee choſen by parliament.

COVNS. But what ſucceſſe had theſe petitions.

IVST. The Charters were obſerved, as before, & ſo they will

wilbe euer, & the other petition was reiected, the King being pleas'd notwithstanding, that the great Officers should take an oath in Parliament to doe Iustice. Now for the Parliament of *Westminster*, in the 17th yeare of the King, the King had three markes and a halfe for euery sacke of wooll transported; and in his 18th he had a 10th of the Clergy, and a 15th of the Laity for one yeare. His Maiesty forbare after this to charge his subiects with any more payments, vntill the 29th of his reigne, when there was giuen the King by Parliament 50s for euery sacke of wooll transported for sixe yeares, by which grant, the King receiued a thousand marks a day, a greater matter then a thousand pounds in these dayes, & a 1000l a day amounts to 365000l a yeare, which was one of the greatest presents that euer was giuen to a King of this land. For besides the cheapnes of all things in that age, the Kings souldiers had but 3d a day wages, a man at armes 6s, a Knight but 2s. In the Parliament at *Westminster*, in the 33th yeare he had 26s 8d for euery sacke of wooll transported, & in the 42th yeare 3 dismes & 3 fifteens. In his 45th yeare he had 50000l of the Layty, & becaus the Spiritualty disputed it, & did not pay so much, the King chang'd his Chancellour, Treasurer, and Priuy Seale, being Bishops, and placed Lay men in their roome.

Covns. It seemes that in those dayes the kings were no longer in loue with their great Chancellors, then when they deserued well of them.

Ivst. No my Lord, they were not, & that was the reason they were well serued, & it was the custome then, & in many ages after, to change the Treasurer & the Chancellour euery 3 yeares, & withall to heare all mens complaints against thē.

Covns. But by this often change, the saying is verified, that there is no inheritance in the fauour of Kings. *Hee that keepeth the figge tree* (saith *Salomon*) *shall eat the fruite thereof*; for reason it is that the seruant liue by the Master.

Ivst. My Lord, you say well in both, but had the subiect an inheritance in the Princes favor, where the Prince hath nō inheritance in the subiects fidelity, then were kings in more

vnhappy estate then common persons. For the rest, *Salomon* meaneth not, that he that *keepeth the figge tree* should surfet, though he meant he should eate, hee meant not hee should breake the branches in gathering the figs, or eate the ripe, & leaue the rotten for the owner of the tree; for what saith hee in the following chapter, he saith that *he that maketh haste to be rich, cannot be innocent.* And before that, he saith, that *the end of an inheritance hastily gotten, cannot be blessed.* Your Lordship hath heard of few or none great with Kings, that haue not vsed their power to oppresse, that haue not grown insolent & hatefull to the people; yea, insolent towards those Princes that advanced them.

COVNS. Yet you see that Princes can change their fancies.

IVST. Yea my Lord, when favorites change their faith, when they forget that how familiar soeuer Kings make themselues with their Vassals, yet they are kings: *He that provoketh a King to anger* (saith *Salomon*) *sinneth against his owne soule.* And he further saith, that *pride goeth before destruction, and a high minde before a fall.* I say therefore, that in discharging those Lucifers, how deare soeuer they haue beene, kings make the world know that they haue more of Iudgement then of passion, yea they thereby offer a satisfactory sacrifice to all their people, too great benefits of subjects to their King, where the minde is blowne vp with their owne deseruings, and too great benefits of Kings confer'd vpon their subiects, where the minde is not qualified with a great deale of modesty, are equally dangerous. Of this later and insolenter, had King *Richard* the second deliuered vp to Iustice but three or foure, he had still held the loue of the people, and thereby his life and estate.

COVNS. Well, I pray you goe on with your Parliaments.

IVST. The life of this great King *Edward* drawes to an end, so doe the Parliaments of this time, where in 50 yeares raigne, he neuer receiued any affront, for in his 49th yeare he had a disme and a fifteene granted him freely.

COVNS.

COVNS. But Sir it is an olde saying, that all is well that ends well: Iudge you whether that in his 50th yeare in Parliament at *Westminster* hee receiued not an affront, when the house vrged the King to remoue & discharge frō his presence the Duke of *Lancaster*, the Lord *Latimer* his Chamberlaine, Sir *Richard Sturry*, and others whom the King fauoured and trusted. Nay, they pressed the King to thrust a certaine Lady out of the Court, which at that time bare the greatest sway therein.

IVST. I will with patience answere your Lordship to the full, and first your Lordship may remember by that which I euen now said, that neuer King had so many gifts as this King had from his subiects, and it hath neuer grieued the subiects of *England* to giue to their King, but when they knew there was a deuouring Lady, that had her share in all things that passed, and the Duke of *Lancaster* was as scraping as shee, that the Chancellour did eat vp the people as fast as either of them both. It grieued the subjects to feede these Cormorants. But my Lord there are two things by which the Kings of *England* haue beene prest, (to wit) by their subiects, and by their owne necessities. The Lords in former times were farre stronger, more warlike, better followed, liuing in their countries, then now they are. Your Lordship may remember in your reading, that there were many Earles could bring into the field a thousand Barbed horses, many a Baron 5 or 600 Barbed horses, whereas now very few of them can furnish twenty fit to serue the King. But to say the truth my Lord, the Iustices of Peace in *England*, haue oppos'd the iniusticers of warre in *England*, the kings writ runs ouer all, & the great Seale of *England*, with that of the next Constables will serue the turne to affront the greatest Lords in *England* that shall moue against the King. The force therefore by which our Kings in former times were troubled, is vanisht away. But the necessities remaine. The people therefore in these later ages, are no lesse to bee pleased then the Peeres; for as the later are become lesse, so by reason of the trayning through *England*, the Commons

haue all the weapons in their hands.

COVNS. And was it not so euer?

IVST. No my good Lord, for the Noblemen had in their Armories to furnish some of thē a thousand, some two thousand, some three thousand men, whereas now there are not many that can arme fifty.

COVNS. Can you blame them? But I will only answere for my selfe, betweene you & me be it spoken, I holde it not safe to maintaine so great an Armory or Stable, it might cause me, or any other Nobleman to be suspected, as the preparing of some Innovation.

IVST. Why so my Lord, rather to bee commended as preparing against all danger of Innovation.

COVNS. It should be so, but call your observation to accompt, & you shall find it as I say, for (indeed) such a jelousie hath been held euer since the time of the Ciuill wars, ouer the Military greatnes of our Nobles, as made them haue litle will to bend their studies that wayes: wherefore let euery man prouide according as hee is rated in the Muster booke, you vnderstand me.

IVST. Very well my Lord, as what might be replyed in the perceiuing so much; I haue euer (to deale plainly and freely with your Lordship) more fear'd at home popular violence, then all the forreine that can be made, for it can neuer bee in the power of any forreine Prince, without a Papisticall party, either to disorder or endanger his Majesties Estate.

COVNS. By this it seemes, it is no lesse dangerous for a king to leaue the power in the people, then in the Nobility.

IVST. My good Lord, the wisdome of our owne age, is the foolishnes of another, the time present ought not to bee prefer'd to the Policy that was, but the policy that was, to the time present. So that the power of the Nobility being now withered, and the power of the people in the flowre, the care to content them would not be neglected, the way to win them often practized, or at least to defend them from oppression. The motiue of all dangers that euer this Monar-

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chy hath vndergone, ſhould bee carefully heeded, for this Maxime hath no poſterne, *Poteſtas humana radicatur in voluntatibus hominum*. And now my Lord, for King *Edward* it is true, though he were not ſubject to force, yet was hee ſubiect to neceſſity, which becauſe it was violent, hee gaue way vnto it, *Poteſtas* (ſaith *Pythagoras*) *iuxta neceſſitatem habitat*. And it is true, that at the requeſt of the houſe he diſcharged & put from him thoſe before named, which done, he had the greateſt gift (but one) that euer he receiued in all his dayes (to wit) from euery perſon, man & woman aboue the age of fourteen yeares, 4ˢ of old mony, which made many Millions of Groats, worth 6ˢ of our mony. This he had in generall, beſides he had of euery beneficed Prieſt, 12ᵈ. And of the Nobility & Gentry, I know not how much, for it is not ſet down. Now my good Lord, what loſt the King by ſatiſfying the deſires of the Parliament houſe; for aſſoone as hee had the money in purſe, hee recalled the Lords, and reſtored them, & who durſt call the King to accompt, when the Aſſembly were diſſolued. *Where the word of a King is, there is power* (ſaith *Eccleſiaſticus*) *who ſhall ſay vnto him, what doeſt thou?* ſaith the ſame Author, for euery purpoſe there is a time & judgment, the King gaue way to the time, & his judgmēt perſweded him to yeeld to neceſſity, *Conſularius nemo melior eſt quàm tempus*.

COVNSE. But yet you ſee the king was forc'd to yeeld to their demaunds.

IVST. Doth your Lordſhip remember the ſaying of *Monſieur de Lange*, that he that hath the profit of the warre, hath alſo the honour of the warre, whether it be by battaile or retreate, the King you ſee had the profit of the Parliament, and therefore the honour alſo, what other end had the king then to ſupply his wants. A wiſe man hath euermore reſpect vnto his ends: And the king alſo knew that it was the loue that the people bare him, that they vrged the remouing of thoſe Lords, there was no man among them that ſought himſelfe in that deſire, but they all ſought the King, as by the ſucceſſe it appeared. My good Lord, hath it not been ordinary

in *England* and in *France* to yeeld to the demaunds of rebels, did not King *Richard* the ſecond graunt pardon to the outragious roagues & murtherers that followed *Iack Straw*, & *Wat Tyler*, after they had murthered his Chancellor, his Treaſurer, Chiefe Iuſtice, and others, brake open his Exchequer, and committed all manner of outrages and villanies, and why did he doe it, but to avoid a greater danger: I ſay the Kings haue then yeelded to thoſe that hated them and their eſtates, (to wit) to pernicious rebels. And yet without diſhonour ſhall it be called diſhonour for the King to yeeld to honeſt deſires of his ſubjects. No my Lord, thoſe that tell the King thoſe tales, feare their own diſhonour, and not the Kings, for the honour of the King is ſupreame, and being guarded by Iuſtice and piety, it cannot receiue neither wound nor ſtayne.

COVNS. But Sir, what cauſe haue any about our King to feare a Parliament?

IVST. The ſame cauſe that the Earle of *Suffolke* had in *Richard* the ſeconds time, and the Treaſurer *Fartham*, with others; for theſe great Officers being generally hated for abuſing both the King and the ſubiect, at the requeſt of the States were diſcharged, and others put in their roomes.

COVNS. And was not this a diſhonour to the king?

IVST. Certainly no, for King *Richard* knew that his Grandfather had done the like, and though the king was in his heart vtterly againſt it, yet had hee the profite of this exchange; for *Suffolke* was fined at 20000. markes, & 1000^l lands.

COVNS. Well Sir, we will ſpeake of thoſe that feare the Parliament ſome other time, but I pray you goe on with that, that happened in the troubleſome raigne of *Richard* the ſecond who ſucceeded, the Grandfather beeing dead.

IVST. That king, my good Lord, was one of the moſt vnfortunate Princes that euer *England* had, hee was cruell, extreame prodigall, and wholly carryed away with his two Minions, *Suffolk*, & the duke of *Ireland*, by whoſe ill advice &

others,

others, he was in danger to haue loſt his eſtate; which in the end (being led by men of the like temper) he miſerably loſt. But for his ſubſedies hee had giuen him in his firſt yeare being vnder age two tenths, and two fifteenes. In which Parliament, *Alice Peirce*, who was remoued in king *Edwards* time, with *Lancaſter*, *Latimer*, and *Sturry*, were confiſcate & baniſhed. In his ſecond yeare at the Parliament at *Gloceſter*, the King had a marke vpon euery ſacke of wooll, and 6^{d} the pound vpon wards. In his third yeare at the Parliament at *Wincheſter*, the Commons were ſpared, and a ſubſedy giuen by the better ſort, the Dukes gaue 20 markes, and Earles 6 markes, Biſhoppes and Abbots with myters ſixe markes, euery marke 3^{l} 4^{s}, & euery Knight, Iuſtice, Eſquier, Shrieue, Parſon, Vicar, & Chaplaine, paid proportionably according to their eſtates.

COVNS. This me thinkes was no great matter.

IVST. It is true my Lord, but a little mony went far in thoſe dayes: I my ſelfe once moued it in Parliament in the time of Queene *Elizabeth*, who deſired much to ſpare the Common people, and I did it by her Commaundement; but when we caſt vp the ſubſedy Bookes, wee found the ſumme but ſmal, whē the 30^{l} men were left out. In the beginning of his fourth yeare, a tenth with a fifteene vvere granted vpon condition, that for one vvhole yeare no ſubſedies ſhould bee demaunded; but this pro[illegible]ſe vvas as ſuddenly forgotten as made, for in the end of that yeare, the great ſubſedy of Poll mony vvas granted in the Parliament at *Northampton*.

COVNS. Yea, but there followed the terrible Rebellion of *Baker*, *Straw*, and others, *Leiſter*, *Wrais*, and others.

IVST. That vvas not the fault of the Parliament my Lord, it is manifeſt that the ſubſedy giuen vvas not the cauſe; for it is plaine that the bondmen of *England* began it, becauſe they vvere grieuouſly preſt by their Lords in their tenure of Villenage, as alſo for the hatred they bare to the Lavvyers & Attorneyes: for the ſtory of thoſe times ſay, that they deſtroyed the houſes & Mannors of men of lavv, and ſuch Lavvyers as they caught, ſlevv them, & heheaded the Lord

chief

chiefe Iuſtice, which commotion being once begun, the head mony was by other Rebels pretended: A fire is often kindled with a litle ſtraw, which oftentimes takes hold of greater timber, & conſumes the whole building: And that this Rebellion was begun by the diſcontented ſlaues (whereof there haue beene many in Elder times the like) is manifeſt by the *Charter* of *Manumiſſion*, which the King granted *in hæc verba*, *Rich. Dei gratia &c. Sciatis quòd de gratiâ noſtrâ ſpirituali manumiſſimus &c.* to which ſeeing the King was conſtrained by force of armes, hee revoked the letters Pattents, and made them voide, the ſame revocation being ſtrengthened by the Parliament enſuing. In which the King had giuen him a ſubſedy vpon wools, called a *Maletot*. In the ſame fourth yeare was the Lord Treaſurer diſcharged of his Office, and *Hales* Lord of S^t *Iohns* choſen in his place. In his fift yeare was the Treaſurer againe changed, and the Staffe giuen to *Segraue*, and the Lord Chancellour was alſo changed, and the ſtaffe giuen to the Lord *Scroope*: Which Lord *Scroope* was againe in the beginning of his ſixt yeare turned out, and the King after that he had for a while kept the Seale in his own hand, gaue it to the Biſhop of *London*, from vvhom it vvas ſoone after taken & beſtovved on the Earle of *Suffolke*, vvho they ſay, had abuſed the king, and converted the kings Treaſure to his ovvne vſe. To this the *King* condiſcended, and though (ſaith *Walſingham*) he deſerued to looſe his life and goods, yet he had the fauor to goe at liberty vpō good ſureties: & becauſe the *K.* vvas but yong, & that the reliefe granted vvas committed to the truſt of the Earle of *Arundell* for the furniſhing of the *Kings* Navy againſt the French.

COVNS. Yet you ſee it vvas a diſhonor to the *K.* to haue his beloued Chancellour remoued.

IVS. Truly no, for the *K.* had both his fine 1000 lāds, & a ſubſedy to boot. And though for the preſent it pleaſed the *K.* to fancy a man all the vvorld hated (the *K^s* paſſiō ouercōming his ludgmēt) yet it cānot be cal'd a diſhonor, for the *K.* is to belieue the general coūſel of the kingdom, & to prefer it before his affection, eſpecially vvhen *Suffolk* vvas proued to be falſe euen to the *K.*: for were it otherwiſe loue and affection might

might bee called a frenzie and a madneſſe, for it is the nature of humane paſſions, that the loue bredde by fidelity, doth change it ſelfe into hatred, when the fidelity is firſt changed into falſhood.

COVNS: But you ſee there were thirteene Lords choſen in the Parliament, to haue the overſight of the government vnder the King.

IVS: No my Lord, it was to haue the overſight of thoſe Officers, which (ſaith the Story) had imbezeled, lewdly waſted, and prodigally ſpent the Kings treaſure, for to the Cõmiſſion to thoſe Lords, or to any ſix of them, joyn'd with the Kings Counſell, was one of the moſt royall and moſt profitable that euer he did, if hee had bin conſtant to himſelf. But my good Lord, man is the cauſe of his own miſery, for I wil repeate the ſubſtance of the commiſſion granted by the K., & confirmed by Parliament, which, whether it had bin profitable for the K. to haue proſecuted, your Lordſhip may judge. The preamble hath theſe words: *Whereas our Sovereigne Lord the King perceiveth by the greivous complaints of the Lords & Commons of this Realme, that the rents, profits, & revenues of this Realme, by the ſingular and inſufficient Councell and evill gouernment, aſwell of ſome his late great Officers, and others, &c. are ſo much withdrawen, waſted, eloyned, giuen, granted, alienated, deſtroyed, and evill diſpended, that he is ſo much impoveriſhed and void of treaſure and goods, and the ſubſtance of the Crown ſo much diminiſhed and deſtroyed, that his eſtate may not honorably be ſuſtained as appertayneth. The K. of his free will at the requeſt of the Lords and Commons, hath ordayned* Williã *Archbiſhop of* Canterbury *and others with his Chancellour, Treaſurer, keeper of his privy ſeale, to ſurvey and examine as well the eſtate and gouernance of his houſe, &c. as of all the rents, and profits, and revenues that to him appertayneth, and to be due, or ought to appertaine and be due, &c. And all manner of gifts, graunts, alienations and confirmations made by him of lands, tenements, rents, &c. bargained and ſold to the preiudice of him and his Crowne, &c. And of his iewels & goods which were his Grandfathers at the time of his death, &c. and where they be become.*

This is in effect the ſubſtance of the commiſſion, which your Lordſhip may reade at large in the booke of Statutes, this commiſſion being enacted in the tenth yere of the Kings reigne. Now if ſuch a commiſſion were in theſe daies granted to the faithfull men, that haue no intereſt in the ſales, gifts nor purchaſes, nor in the keeping of the jewells at the Queenes death, nor in the obtaining, graunts of the Kings beſt lands, I cannot ſay what may be recouered, & juſtly recovered; and what ſay your Lordſhip, was not this a noble acte for the King, if it had beene followed to effect?

Covns. I cannot tell whether it were or no, for it gaue power to the Commiſſioners to examine all the graunts.

Ivst. Why my Lord, doth the King graunt any thing, that ſhames at the examination? are not the Kings graunts on record?

Covns. But by your leaue, it is ſome diſhonour to a King, to haue his judgement called in queſtion.

Ivst. That is true my Lord, but in this, or vvhenſoever the like ſhall be graunted in the future, the Kings judgement is not examined, but their knavery that abuſed the K. Nay by your favour, the contrary is true, that vvhen a King will ſuffer himſelfe to bee eaten vp by a company of petty fellowes, by himſelfe raiſed, therein both the judgement and courage is diſputed. And if your Lordſhip vvill diſdaine it at your own ſervants hands, much more ought the great heart of a King, to diſdaine it. And ſurely my Lord, it is a greater treaſon (though it vndercreepe the law) to teare from the Crowne the ornaments thereof: And it is an infallible maxime, that hee that loues not his Majeſties eſtate, loues not his perſon.

Covns. How came it then, that the acte was not executed?

Ivs. Becauſe theſe, againſt vvhom it was graunted, perſwaded the King to the contrary: As the Duke of *Ireland*, *Suffolke*, the chief Iuſtice *Triſilian*, & others, yea, that which vvas lawfully done by the King, and the great Councell of the kingdome, was (by the maſtery which *Ireland*, *Suffolke*, and

and *Treſilian* had ouer the Kings affections) broken and diſ-avowed. Thoſe that deviſed to relieue the King, not by any private invention, but by generall Councell, were by a priuate and partiall aſſemblie, adjudged traytors, and the moſt honeſt Iudges of the land, enforced to ſubſcribe to that judgment. In ſo much, that Iudge *Belknap* plainely told the Duke of *Ireland*, and the Earle of *Suffolke*, when hee was conſtrained to ſet to his hand, plainely told theſe Lords, that he wanted but a rope, that he might therewith receiue a reward for his ſubſcription. And in this Councell of *Nottingham* vvas hatched the ruine of thoſe which governed the King, of the Iudges by them conſtrained, of the Lords that loued the King, and ſought a reformation, and of the King himſelfe; for though the King found by all the Shreeues of the ſhires, that the people would not fight againſt the Lords, whom they thought to bee moſt faithfull vnto the King, when the Citizens of *London* made the ſame anſwere, beeing at that time able to arme 50000 men, & told the Major, that they would never fight againſt the Kings friends, and defenders of the Realme, when the Lord *Ralph Baſſet*, who was neere the K. told the *King* boldly, that hee would not adventure to haue his head broken for the Duke of *Irelands* pleaſure, vvhen the Lord of *London* told the Earle of *Suffolke* in the Kings preſence, that he was not worthy to liue, &c. yet vvould the King in the defence of the deſtroyers of his eſtate, lay ambuſhes to entrap the Lords, when they came vpon his faith, yea when all was pacified, and that the King by his Proclamation had clear'd the Lords, and promiſed to produce *Ireland*, *Suffolke*, & the Archbiſhop of *Yorke*, *Treſilian* & *Bramber*, to anſwer at the next Parliament, theſe men confeſt, that they durſt not appeare; and when *Suffolke* fled to *Callice*, and the Duke of *Ireland* to *Cheſter*, the King cauſed an army to be leavied in *Lancaſhire*, for the ſafe conduct of the Duke of *Ireland* to his preſence, when as the Duke being encountered by the Lords, ranne like a coward from his company, & fled into *Holland*. After this vvas holden a Parliament, which vvas called that vvrought vvonders. In the eleuenth yeare

of this King, wherein the forenamed Lords, the Duke of *Ireland* & the reſt, were condemned and confiſcate, the Chiefe Iuſtice hang'd with many others, the reſt of the Iudges condemned & baniſht, & a 10th and a 15th given to the King.

COVNS: But good Sir: the King was firſt beſieged in the Tower of *London*, and the Lords came to the Parliament, & no man durſt contradict them.

IVST: Certainly in raiſing an army, they committed treaſon, and though it did appeare, that they all loued the King, (for they did him no harme, hauing him in their power) yet our law doth conſtrue all leavying of war without the kings commiſſion, and all force raiſed to be intended for the death & deſtruction of the K. not attending the ſequell. And it is ſo judged vpon good reaſon, for every vnlawfull and ill action is ſuppoſ'd to be accompanied with an ill intēt. And beſides, thoſe Lords vſed too great cruelty, in procuring the ſentence of death againſt diuers of the Kings ſervaunts, who were bound to follow and obey their Maſter and Soveraigne Lord, in that hee commaunded.

COVNS. It is true, and they were alſo greatly to blame, to cauſe then ſo many ſeconds to be put to death, ſeeing the principalls, *Ireland*, *Suffolke*, and *Yorke* had eſcaped them. And what reaſon had they to ſeeke to enforme the State by ſtrong hand, was not the Kinges eſtate as deere to himſelfe, as to them? He that maketh a King know his errour manerly and priuate, and giues him the beſt aduice, hee is diſcharged before God, and his owne conſcience. The Lords might haue retired themſelues, when they ſaw they could not prevaile, and haue left the King to his owne wayes, who had more to looſe then they had.

IVST. My Lord, the taking of Armes cannot be excuſed in reſpect of the law, but this might be ſaid for the Lords that the K. being vnder yeres, & being wholly governed by their enimies, & the enimies of the kingdome, & becauſe by thoſe evill mens perſwaſiōs, it was aduiſed, how the Lords ſhould haue bin murthered at a feaſt in *London*, they were excuſable during the kings minority to ſtand vpō their guards againſt their

their particular enemies. But we will passe it ouer and go on with our parliaments that followed, whereof that of Cambridge in the K^s 12^th yeare was the next, therein the K. had giuen him a 10^th & a 15^th, after which, being 20. yeares of age rechãged (saith *H. Kinghton*) his Treasurer, his Chancellor, the Iustices of either bench, the Clerk of the priuy seale & others, & tooke the gouernment into his own hands. Hee also tooke the Admirals place frõ the Earle of Arundell, & in his roome hee placed the Earle of Huntingdon in the yeare following, which was the 13^th yeare of the K. in the Parliament at Westminster, there was giuen to the King vpon every sacke of wooll 14^s and 6^d in the pound vpon other marchandize.

COVNS: But by your leaue, the King was restrained this parliament, that he might not dispose of, but a third part of the money gathered.

IVST: No my Lord, by your fauour. But true it is that part of this mony was by the Kings consent assigned towards the wars, but yet left in the Lord Treasurers hands; And my Lo: it would be a great ease, & a great saying to his Maiestie our Lord and Master, if it pleased him to make his assignations vpon some part of his reuenewes, by which he might haue 1000^l vpon every 10000^l, and saue himselfe a great deale of clamour. For seeing of necessity the Nauy must be maintained, & that those poore men aswell Carpenters as ship keepers must be paid, it were better for his Maiesty to giue an assignation to the treasurer of his nauy for the receiuing of so much as is called ordinary, then to discontent those poore men, who being made desperate beggers, may perchance be corrupted by them that lye in waite to destroy the K^s estate. And if his Maiesty did the like in all other payments, especially where the necessity of such as are to receiue, cannot possible giues daies, his Maiesty might then in a litle rowle behold his receipts and expences, hee might quiet his heart when all necessaries were provided for, and then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this haue bin done, if the 400000^l had beene raised as aforesaid vpon the Kings lands, and wards, I say that his Maiesties house, his navy, his guards, his pensioners,

his muhition, his Ambaſſadors and all elſe of ordinary charge might haue beene defrayed, and a great ſumme left for his Maieſties caſuall expences and rewards, I will not ſay they were not in loue with the Kings eſtate, but I ſay they were vnfortunately borne for the King that croſt it.

COVNS. Well Sir, I would it had beene otherwiſe, But for the aſſignments, there are among vs that will not willingly indure it. Charity begins with itſelfe, ſhall wee hinder our ſelues of 50000l *per annum* to ſaue the King 20? No Sir, what will become of our New-yeares gifts, our preſents and gratuities? We can now ſay to thoſe that haue warrants for money, that there is not a penny in the Exchequer, but the king giues it away vnto the Scots faſter then it comes in.

IVST. My Lord you ſay well, at leaſt you ſay the trueth, that ſuch are ſome of our anſweres, and hence comes that generall murmure to all men that haue money to receiue, I ſay that there is not a penny giuen to that nation, be it for ſeruice or otherwiſe but it is ſpread over all the kingdome: yea they gather notes, and take copies of all the priuy ſeales and warrants that his Maieſty hath given for the money for the Scots, that they may ſhew them in Parliament. But of his Maieſties gifts to the Engliſh, there is no bruite though they may be tenne times as much as the Scots. And yet my good Lord, howſoeuer they be thus anſwered that to them ſue for money out of the Exchequer, it is due to them for 10 or 12. or 20 in the hundred, abated according to their qualities that ſue, they are alwaies furniſhed. For concluſion, if it would pleaſe God to put into the Kings heart to make their aſſignations, it would ſaue him many a pound, and gaine him many a prayer, and a great deale of loue, for it grieueth every honeſt mans heart to ſee the abũdance which euen the petty officers in the Exchequer, and others gather both from the king and ſubiect, and to ſee a world of poore men runne after the King for their ordinary wages.

COVNS. Well, well, did you never heare this old tale, that when there was a great contention about the weather, the Seamen complaining of contrary windes, when thoſe of

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the high Countreyes desired raine, and those of the valleyes sunshining dayes, *Iupiter* sent them word by *Mercury*, then, when they had all done, the weather should be as it had bin, And it shall euer fall out so with them that complaine, the course of payments shall be as they haue beene, what care we what petty fellowes say? or what care wee for your papers? haue not we the Kings eares, who dares conteſt with vs? though we cannot be reuenged on such as you are for telling the trueth, yet vpon some other pretence, wee'le clap you vp, and you shall sue to vs ere you get out. Nay wee'le make you confesse that you were deceiued in your proiects, and eate your owne words: learne this of me Sir, that as a little good fortune is better then a great deale of vertue: so the least authority hath advantage ouer the greatest wit, was he not the wisest man that said, *the battaile was not to the strongest, nor yet bread for the wise, nor riches to men of vnderstanding, nor fauour to men of knowledge:* but what time & chance came to them all.

IVST. It is well for your Lordship that it is so. But Qu: *Elizabeth* would set the reason of a meane man, before the authority of the greatest Councellor she had, and by her patience therein shee raised vpon the vsuall and ordinary customes of London without any new imposition aboue 50000l a yeare, for though the Treasurer *Burleigh*, and the Earle of Leicester, and Secretary *Walsingham* all three pensioners to Customer *Smith* did set themselues against a poore waiter of the Custome-house called *Carwarden*, and commaunded the groomes of the privy Chamber not to giue him accesse, yet the Queene sent for him, and gaue him countenance against them all. It would not serue the turne, my Lord, with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heads, was a dishonour to herselfe, but shee had alwaies this answere, *That if any man complaine vniustly against a Magistrate, it were reason he should be seuerely punished, if iustly, shee was Queene of the small, aswell as of the great, and would heare their complaints.* For my good Lord, a Prince that suffereth himselfe

himselfe to be besieged, forsaketh one of the greatest regalities belonging to a Monarchie, to wit, the last appeale, or as the French call it, *le dernier resort*.

COVNS: Well Sir, this from the matter, I pray you go on.

IVST: Then my Lord, in the kings 15th yeare he had a tenth and at fifteene graunted in Parliament of London. And that same yeare there was a great Councell called at Stamford to which diuerse men were sent for, of diuerse counties besides the Nolility, of whom the K. tooke advice whether he should continue the war, or make a finall end with the French.

COVNS: What needed the king to take the advice of any but of his owne Councell in matter of peace or warre.

IVST. Yea my Lord, for it is said in the Prouerbes, *where are many counsellers, there is health*. And if the king had made the warre by a generall consent, the kingdome in generall were bound to maintaine the warre, and they could not then say when the King required ayde, that he vndertooke a needlesse warre.

COVNS. You say well, but I pray you go on.

IVST. After the subsedy in the 15 yeare, the King desired to borrow 10000l of the Londoners, which they refused to lend.

COVNS. And was not the King greatly troubled therewith.

IVST: Yea but the King troubled the Londoners soone after, for the king tooke the advantage of a ryot made vpon the Bishop of Salisbury his men, sent for the Maior, and other the ablest cittizens, committed the Maior to prison in the Castle of Windsor, and others to other castles, and made a Lord VVarden of this citty, till in the end what with 10000l ready money, and other rich presents, insteed of lending 10000l it cost them 20000l. Betweene the fifteenth yeare and twentith yeare, hee had two aydes giuen him in the Parliaments of VVincheſter and VVestminster: and this later was giuen to furnish the Kings iourney into Ireland to establish that estate which was greatly shaken since the death of

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the Kings Grandfather, who receiued thence yearely 30000 marks and during the Kings ſtay in Ireland hee had a 10th and a 15th graunted.

COVNS. And good reaſon, for the King had in his army 4000 horſe and 30000 foote.

IVST. That by your fauour, was the Kings ſanity: for great armies do rather devour themſelues then deſtroy enimies. Such an army, (whereof the fourth part would haue conquered all Ireland) was in reſpect of Ireland ſuch an army as *Xerxes* led into Greece in this twentith yeare, wherein hee had a tenth of the Cleargy, was the great conſpiracy of the Kings vnkle, the Duke of Gloceſter, and of Moubrey, Arundell, Nottingham, and Warwick, the Archbiſhop of Canterbury and the Abbotte of VVeſtminſter, and others who in the 21th yeare of the King were all redeemed by parliament. & what thinkes your Lordſhip, was not this aſſembly of the 3 ſtates for the kings eſtate, wherein hee ſo prevailed, that hee not onely overthrew thoſe popular Lords, but beſides (the Engliſh Chronicle ſayth, the king ſo wrought and brought things about, that hee obtained the power of both houſes to be graunted to certaine perſons, to 15 Noblemen and Gentlmen, or to ſeauen of them.

COVNS: Sir, whether the king wrought well or ill I cannot judge, but our Chronicles ſay, that many things were done in this parliament, to the diſpleaſure of no ſmall number of people, to wit, for that diverſe rightfull heires were diſinherited of their lands & liuings, with which wrongfull doings the people were much offended, ſo that the king with thoſe that were about him, and chiefe in counſell, came into great infamy and ſlander.

IVST. My good Lord, if your Lordſhip will pardon mee, I am of opinion that thoſe Parliaments wherein the kings of this land haue ſatisfied the people, as they haue beene euer proſperous, ſo where the king hath reſtrained the houſe, the contrary hath happened, for the Ks atchiuements in this parliament, were the ready preparations to his ruine.

COV: You meane by the general diſcontentmẽt that follow-

ed, and because the King did not proceede legally with Glocester and others. Why Sir, this was not the first time that the Kings of England haue done things without the Counsell of the land: yea, contrary to the lawe.

IVST: It is true my Lord in some particulars, as euen at this time the Duke of Glocester was made away at Callice by strong hand, without any lawfull triall: for hee was a man so beloued of the people and so allied, hauing the Dukes of Lancaster, and Yorke his brethren, the Duke of Aumarle, and the Duke of Hereford his Nephewes, the great Earles of Arundell and VVarwicke, with diuerse other of his part in the conspiracy, as the King durst not trie him according to the law: for at the tryall of Arundell and VVarwicke, the king was forced to entertaine a petty army about him. And though the Duke was greatly lamented, yet it cannot be denyed but that he was then a traytor to the King. And was it not so my Lord with the Duke of Guise: your Lordship doth remember the spurgald proverbe, that *necessitie hath no law;* and my good Lord, it is the practice of doing wrong, and of generall wrongs done, that brings danger, and not where kings are prest in this or that particular, for there is great difference betweene naturall cruelty and accidentall. And therefore it was *Machiauels* advice, that *all that a king did in that kind, he shall do at once, and by his mercies afterwards make the world know that his cruelty was not affected.* And my Lord take this for a generall rule, that the immortall policy of a state cannot admit any law or priuiledge whatsoeuer, but in some particular or other, the same is necessarily broken, yea in an *Arristocratia* or popular estate, which vaunts so much of equality and common right, more outrage hath beene committed then in any Christian Monarchy.

COYNS: But whence came this hatred between the Duke and the King his Nephew.

IVST: My Lord, the Dukes constraining the King, when he was young, stucke in the kings heart, and now the Dukes proud speech to the King when hee had rendred *Brest* formerly

merly ingaged to the Duke of Brittaine, kindled againe these coales that were not altogether extinguished, for he vsed these words: *Your grace ought to put your body in great paine to winne a strong hold or towne by feates of armes, ere you take vpon you to sell or deliuer any towne gotten by the manhood and strong hand and policy of your noble progenitours.* VVhereat, sayth the story, the King chaunged his countenance &c: and to say trueth. it was a proud and maisterly speech of the Duke; besides that inclusiuely hee taxed him of sloath and cowardize, as if he had neuer put himselfe to the adventure of winning such a place, vndutifull wordes of a subiect do often take deeper roote then the memory of ill deedes do: The Duke of Biron found it when the King had him at advantage. Yea the late Earle of Essex told Queene *Elizabeth* that her conditions was as crooked as her carkasse: but it cost him his head, which his insurrection had not cost him, but for that speech, *who will say vnto a King* (saith Iob) *thou art wicked.* Certainly it is the same thing to say vnto a Lady, thou art crooked (and perchance more) as to say vnto a King that he is wicked, and to say that hee is a coward, or to vse any other wordes of disgrace, it is one and the same errour. *Humanum est errare.*

COVN: But what say you for Arundell, a braue and valiant man, who had the Kings pardon of his contempt during his minority.

IVST: My good Lord, the Parliament which you say disputes the Kings prerogatiue, did quite contrary, and destroyed the kings charter and pardon formerly giuen to Arundell. And my good Lord, do you remember, that at the Parliament that wrought wonders, when these Lords compounded that parliament, as the King did this, they were so mercilesse towards all, that they thought their enemies, as the Earle of Arundell most insolently suffered the Qu: to kneele vnto him three houres for the sauing of one of her seruants, and that scorne of his *manebat alto mente repostum.* And to say the truth, it is more barbarous & vnpardonable then any act that ever hee did to permit the wife of his Soueraigne to

kneele to him being the Kings vaſſaile. For if he had ſaued the Lords ſeruant freely at her firſt requeſt, as it is like enough that the Qu: would alſo haue ſaued him, *Miſeris ſuccurrens paria obtinebis aliquando.* For your Lordſhip ſees that the Earle of Warwicke who was as farre in the treaſon as any of the reſt, was pardoned. It was alſo at this parliament that the Duke of Hereford accuſed *Mowbray* Duke of Norfolke, and that the Duke of Hereford, ſonne to the Duke of Lancaſter, was baniſhed to the Kings confuſion, as your Lordſhip well knowes.

COVNS. I know it well, and God knowes that the K. had then a ſilly and weake Counſell about him, that perſwaded him to baniſh a Prince of the blood, a moſt valiant man, and the beſt beloued of the people in generall of any man liuing, eſpecially conſidering that the K. gaue every day more then other offence to his ſubiects. For beſides that he fined the inhabitants that aſſiſted the Lords in his Minority of the 17 ſhires) which offence he had long before pardoned, his blank Charters, & letting the Realme to farme to meane perſons, by whom he was wholly adviſed, increaſed the peoples hatred towards the preſent gouernment.

IVST: You ſay well my L. Princes of an ill deſtiny do alwaies follow the worſt counſell, or at leaſt imbrace the beſt after opportunity is loſt; *Qui conſilia non ex ſuo corde ſed alienis viribus colligunt, non animo ſed auribus cogitant*, And this was not the leaſt griefe of the ſubiect in generall, that thoſe men had the greateſt part of the ſpoile of the cōmonwealth, which neither by vertue, valour or counſell could adde any thing vnto it: *Nihil eſt ſordidius, nihil crudelius* (ſaith *Anto: Pius*) *quā ſi Remp. ij arrode, qui nihil in eam ſuo labore cōferent.*

COVNS. Indeede the letting to farme the Realme was very grievous to the ſubiect.

IVST. Will your Lordſhip pardon me if I tell you that the letting to Farme of his Maieſties Cuſtomes (the greateſt revenue of the Realme) is not very pleaſing.

COVNS. And why I pray you, doth not the K. thereby raiſe his profits every third yeare, and one farmer out bids another to the kings advantage.

IVST:

IVST. It is true my Lord, but it grieues the ſubiect to pay cuſtome to the ſubject, for what mighty men are thoſe Farmers become, and if thoſe Farmers get many thouſands every yeare, as the world knowes they doe, why ſhould they not now (being men of infinite wealth) declare vnto the K. vpon oath, what they haue gained, and henceforth become the Kings collectors of his cuſtome, did not Queene *Elizabeth*, who was reputed both a wiſe and juſt Princeſſe, after ſhee had brought *Cuſtomer Smith* from 14000l a yeare to 42000l a yeare, made him lay downe a recompence for that which hee had gotten? And if theſe Farmers doe giue no recompence, let them yet preſent the King with the trueth of their receivings and profits. But my Lord for concluſion, after *Bollingbrooke* arriuing in *England* with a ſmall troope: Notwithſtanding the King at his landing out of *Irelund*, had a ſufficient and willing army: yet hee wanting courage to defend his right, gaue leaue to all his ſouldiers to depart, & put himſelfe into his hands that caſt him into his graue.

COVNS. Yet you ſee, hee was depoſ'd by Parliament.

IVST. Aſwell may your Lordſhip ſay hee was knock't in the head by Parliament, for your Lordſhip knowes, that if King *Richard* had ever eſcaped out of their fingers, that depoſed him, the next Parliament would haue made all the depoſers traytors and rebels, and that juſtly. In which Parliamẽt, or rather vnlawful aſſembly, there appeared but one honeſt man, to wit, the B. of *Carliel*, who ſcorned his life & eſtate, in reſpect of right & his allegiãce, & defẽded the right of his Soveraigne Lo: againſt the K. elect & his partakers.

COVNS. Well I pray goe on with the Parliaments held in the time of his ſucceſſor *Henry* the fourth.

IVST. This King had in his third yeare a ſubſedy, & in his fift a tenth of the Cleargie without a Parliament; In his ſixt yeare he had ſo great a ſubſedie, as the Houſe required there might bee no record thereof left to poſterity, for the Houſe gaue him 20 of euery knights Fee, and of every 20l land, 20 and 12 the pound of goods.

COVNS. Yea in the end of this yere, the Parliamẽt preſt the

king to annex vnto the Crowne all temporall poſſeſsions belonging to Church-men within the land, which at that time, was the third foote of all *England*. But the Biſhops made friends, and in the end ſaued their eſtates.

IVST. By this you ſee, my Lord, that *Cromwell* was not the firſt that thought on ſuch a buſineſſe. And if king *Henry* the 8th had reſerued the Abbeyes, and other Church lands, which he had given at that time, the revenue of the Crowne of *England*, had exceeded the reuenue of the Crowne of *Spaine*, with both the *Indies*, whereas vſed as it was, (a little enriched the Crown) ſerved but to make a number of petty-foggers, and other gentlemen.

COVNS. But what had the king inſteed of this great revenue.

IVST. Hee had a 15th of the Commons, and a tenth, and a halfe of the Clergy, and withall, all penſions graunted by king *Edward*, and king *Richard* were made voide. It was alſo moved, that all Crowne lands formerly giuen (at leaſt given by K. *Ed:* and K. *Rich:*) ſhould bee taken backe.

COVNS. What thinke you of that, Sir? would it not haue beene a diſhonour to the king? and would not his Succeſſors haue done the like to thoſe that the king had advanced?

IVST. I cannot anſwere your Lordſhip, but by diſtinguiſhing: for where the kings had given land for ſervices, and had not beene over-reached in his gifts, there it had bin a diſhonour to the king, to haue made voide the graunts of his predeceſſors, or his graunts, but all thoſe graunts of the kinges, wherein they were deceived, the very cuſtome and policy of *England* makes them voyde at this day.

COVNS. How meane you that, for his Majeſtie hath given a great deale of land among vs ſince he came into *England*, and would it ſtand with the kinges honour to take it from vs againe?

IVST: Yea my Lord, very well with the kinges honour, if your Lordſhip, or any Lord elſe, haue vnder the name of 100 land a yeare, gotten 500 land, and ſo after that rate.

COVNS.

COVNS. I will never belieue that his Majeſtie will ever doe any ſuch thing.

IVST. And I beleeue as your Lordſhip doth, but we ſpake e're-while of thoſe that diſſwaded the King frō calling it a Parliament: And your Lordſhip asked mee the reaſon, why any man ſhould diſſwade it, or feare it, to which, this place giues me an opportunity to make your Lordſhip an anſwer, for though his Majeſtie will of himſelf never queſtion thoſe graunts, yet when the Commons ſhall make humble petition to the *King* in Parliament, that it will pleaſe his Majeſtie to aſsiſt them in his reliefe, with that which ought to be his owne, which, if it will pleaſe his Majeſtie to yeeld vnto, the houſe will moſt willingly furniſh and ſupply the reſt, with what grace can his Majeſtie deny that honeſt ſuite of theirs, the like hauing beene done in many *Kinges* times before? This proceeding, my good Lord, may perchance proue all your phraſes of the *Kings* honour, falſe *Engliſh*.

COVNS. But this cannot concerne many, & for my ſelf, I am ſure it concernes me little.

IVST. It is true my Lord, and there are not many that diſſwade his Majeſtie from a Parliament.

COVNS. But they are great ones, a fewe of which will ſerue the turne well enough.

IVST. But my Lord, bee they neuer ſo great (as great as Gyants) yet if they diſſwade the *King* from his ready and aſſured way of his ſubſiſtence, they muſt deviſe how the *K.* may be elſe-where ſupplied, for they otherwiſe runne into a dangerous fortune.

COVNS. Hold you contented Sir, the *King* needes no great diſſwaſion.

IVST. My Lord, learne of me, that there is none of you all, that can pierce the *King*. It is an eſſentiall property of a man truely wiſe, not to open all the boxes of his boſome, even to thoſe that are neereſt and deereſt vnto him, for when a man is diſcouered to the very bottome, he is after the leſſe eſteemed. I dare vndertake, that when your Lordſhip hath ſerued the *King* twice twelue yeares more, you will finde, that his

Majeſtie

Majeſtie hath reſerved ſomewhat beyond all your capacities, his Majeſtie hath great reaſon to put off the Parliament, as his laſt refuge, and in the meane time, to make triall of all your loues to ſerue him, for his Majeſtie hath had good experience, how well you can ſerue your ſelues: But when the King finds, that the building of your owne fortunes and factions, hath beene the diligent ſtudies, and the ſervice of his Majeſtie, but the exerciſes of your leiſures: Hee may then perchance caſt himſelf vpon the general loue of his people, of which (I truſt) hee ſhall never bee deceiued, and leaue as many of your Lordſhips as haue pilfered from the Crowne, to their examination.

COVNS. Well Sir, I take no great pleaſure in this diſpute, goe on I pray.

IVST. In that Kinges 5th yeare, hee had alſo a ſubſedy, which he got by holding the houſe together from Eaſter to Chriſtmas, and would not ſuffer them to depart. He had alſo a ſubſedie in his ninth yeare. In his eleventh yeare the Commons did againe preſſe the king to take all the temporalities of the Church-men into his hands, which they proved ſufficient to maintaine 150 Earles, 1500 knights, and 6400 Eſquiers, with a hundred hoſpitals, but they not prevayling, gaue the King a ſubſedy.

Hen. 5. As for the notorious Prince, *Henry* the fift, I finde, that he had given him in his ſecond yeare 300000 markes, and after that two other ſubſecdies, one in his fifth yeare, another in his ninth, without any diſputes.

Hen. 6. In the time of his ſucceſſour *Henry* the ſixt, there were not many ſubſedies. In his third yeare, he had a ſubſedy of a Tunnage and Poundage. And here (ſaith *Iohn Stow*) began thoſe payments, which wee call cuſtomes, becauſe the payment was continued, whereas before that time it was granted but for a yeare, two, or three, according to the kings occaſions. Hee had alſo an ayde and gathering of money in his fourth yeare, and the like in his tenth yeare, and in his thirteenth yere a 15th. He had alſo a fifteenth for the conveying

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of the Queene out of *France* into *England*. In the twenty eight yeare of that King was the acte of Reſumption of all honours, townes, caſtles, Signieuries, villages, Manors, lands, tenements, rents, reverſions, fees, &c. But becauſe the wages of the Kings ſeruants, were by the ſtrictnes of the acte alſo reſtrained, this acte of Reſumption was expounded in the Parliament at *Reading* the 31th yeare of the Kings reigne.

COVNS. I perceiue that thoſe acts of Reſumption were ordinary in former times; for King *Stephen* reſumed the lands, which in former times hee had giuen to make friends during the Ciuill warres. And *Henry* the ſecond reſumed all (without exception) which King *Stephen* had not reſumed; for although King *Stephen* tooke backe a great deale, yet hee ſuffered his truſtieſt ſeruants to enjoye his gift.

IVST. Yes my Lord, & in after times alſo; for this was not the laſt, nor ſhall be the laſt, I hope. And judge you my Lord, whether the Parliaments doe not only ſerue the King, whatſoeuer is ſaid to the contrary; for as all King *Henry* the 6, gifts & graunts were made voide by the Duke of *Yorke*, when he was in poſſeſſion of the kingdome by Parliament. So in the time of *K. H.* when *K. Edw:* was beaten out again, the Parliament of *Weſtminſter* made all his acts voyde, made him & all his followers traytors, & gaue the King many of their heads & lands. The Parliaments of *England* do alwaies ſerue the King in poſſeſſion. It ſeru'd *Rich.* the ſecond to condemne the popular Lords. It ſeru'd *Bollingbrooke* to depoſe *Rich.* When *Edw.* the 4. had the Scepter, it made them all beggars that had followed *H.* the 6. And it did the like for *H.* when *Edw.* was driuen out. The Parliaments are as the friendſhip of this world is, which alwayes followeth proſperity. For *K. Edw.* the 4: after that hee was poſſeſſed of the Crown, he had in his 13 yeare a ſubſedy freely giuen him: & in the yeare following hee tooke a benevolence through *England*, which arbitrary taking frō the people, ſeru'd that ambitious traytor the Duke of Bucks. After the King s death was a plauſible argument to perſwade the multitude,

that they ſhould not permit (ſaith Sir *Thomas Moore*) his line to raigne any longer vpon them.

COVNS. Well Sir, what ſay you to the Parliament of *Richard* the third his time?

IVST. I finde but one, and therein he made diuerſe good Lawes. For K. *Henry* the ſeuenth in the beginning of his third yeare hee had by Parliament an ayde granted vnto him, towards the reliefe of the Duke of *Brittaine*, then aſſailed by the *French* King. And although the King did not enter into the warre, but by the advice of the three eſtates, who did willingly contribute: Yet thoſe Northerne men which loued *Richard* the third, raiſed rebellion vnder colour of the mony impoſ'd, & murthered the Earle of *Northumberland* whom the King employed in that Collection. By which your Lordſhip ſees, that it hath not beene for taxes and impoſitions alone, that the ill diſpoſed haue taken Armes; but euen for thoſe payments which haue beene appoynted by Parliament.

COVNS. And what became of thoſe Rebels?

IVST. They were fairely hang'd, and the mony levied notwithſtanding, in the Kings firſt yeare he gathered a marvailous great maſſe of mony, by a benevolence, taking patterne by this kind of levie from *Edw.* 4th. But the King cauſed it firſt to be moued in Parliament where it was allowed, becauſe the poorer ſort were therein ſpared. Yet it is true that the king vſed ſome arte, for in his Letters hee declared that hee would meaſure euery mans affections by his gifts. In the thirteenth yeare hee had alſo a ſubſedy, whereupon the Corniſh men tooke Armes, as the Northerne men of the Biſhoppricke had done in the third yeare of the King.

COVNS. It is without example, that euer the people haue rebelled for any thing granted by Parliament, ſaue in this kings dayes.

IVST. Your Lordſhip muſt conſider, that he was not ouermuch belou'd, for hee tooke many advantages vpon the people and the Nobility both.

COVNS.

COVNS. And I pray you what say they now of the new impositions lately laide by the Kings Maiesty? doe they say that they are justly or injustly laide?

IVST. To impose vpon all things brought into the Kingdome is very auncient: which imposing when it hath beene continued a certaine time, is then called Customes, because the subjects are accustomed to pay it, & yet the great taxe vpon wine is still called Impost, because it was imposed after the ordinary rate of payment, had lasted many yeares. But we doe now a dayes vnderstand those things to bee impositions, which are raised by the commaund of Princes, without the aduice of the common-wealth, though (as I take it) much of that which is now called custome, was at the first imposed by Prerogatiue royall: Now whether it be time or consent that makes them just, I cannot define, were they just because new, and not justified yet by time, or vnjust because they want a generall consent: yet is this rule of *Aristotle* verified in respect of his Majestie: *Minus timent homines iniustum pati à principe quem cultorem dei putant.* Yea my Lord, they are also the more willingly borne, because all the world knowes they are no new Invention of the Kings. And if those that advised his Maiestie to impose them, had raised his lands (as it was offered them) to 20000l more then it was, and his wards to asmuch as aforesaid, they had done him farre more acceptable seruice. But they had their own ends in refusing the one, and accepting the other. If the land had beene raised, they could not haue selected the best of it for themselues: If the impositions had not been laide, some of them could not haue their silkes, others peeces in farme, which indeed grieued the subiect tenne times more then that which his Maiestie enjoyeth. But certainly they made a great advantage that were the advisers, for if any tumult had followed his Maiesty, ready way had beene to haue deliuered them ouer to the people.

COVNS. But thinke you that the King would haue deliuered them if any troubles had followed?

IVST. I know not my Lord, it was *Machiavels* counsell to *Cæsar Borgia* to doe it, and *K. H.* the 8 deliuered vp *Empson* and *Dudley*, yea the same King, when the great Cardinall *Woolsey*, who gouerned the King and all his estate, had (by requiring the sixt part of euery mans goods for the King) raised a rebellion, the King I say disavowed him absolutely, that had not the Dukes of *Norfolke* and *Suffolke* appeased the people, the Cardinall had sung no more Masse: for these are the words of our Story: The King then came to *Westminster* to the Cardinals palace, and assembled there a great Councell, in which he protested, that *his minde was neuer to aske any thing of his Commons which might sound to the breach of his Lawes.* Wherefore hee then willed them to know by whose meanes they were so strictly giuen foorth. Now my Lord, how the Cardinall would haue shifted himselfe, by saying, *I had the opinion of the Iudges*, had not the rebellion beene appeas'd, I greatly doubt.

COVNS. But good Sir, you blanch my question, and answere mee by examples. I aske you whether or no in any such tumult, the people pretending against any one or two great Officers, the King should deliuer them, or defend them?

IVST. My good Lord, the people haue not stayde for the kings deliuery, neither in *England*, nor in *France*: Your Lordship knowes how the Chauncellour, Treasurer, and Chiefe Iustice, with many others at seuerall times haue bin vsed by the Rebels: And the Marshals, Constables, and Treasurers in *France*, haue beene cut in pieces in *Charles* the sixt his time. Now to your Lordships question, I say that where any man shall giue a King perilous advice, as may either cause a rebellion, or draw the peoples loue from the King, I say, that a King shalbe adviſed to banish him: But if the King doe absolutely commaund his seruant to doe any thing displeasing to the Common-wealth, and to his own peril, there is the King bound in honour to defend him. But my good Lord for conclusion, there is no man in *England* that will lay

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any invention either grieuous or againſt law vpon the Kings Maieſty: And therefore your Lordſhips muſt ſhare it amongſt you.

Covns. For my part, I had no hand in it, (I thinke) *Ingram* was he that propounded it to the Treaſurer.

Ivst. Alas my good Lord, euery poore wayter in the Cuſtome-houſe, or euery promoter might haue done it, there is no invention in theſe things. To lay impoſitions, and ſell the Kings lands, are poore and common devices. It is true that *Ingram* and his fellowes are odious men, and therefore his Maieſtie pleas'd the people greatly to put him from the Cofferſhip, It is better for a Prince to vſe ſuch a kinde of men, then to countenance them, hang-men are neceſſary in a Commonwealth: yet in the Nether-lands, none but a hangmans ſonne will marry a hang-mans daughter. Now my Lord, the laſt gathering which *Henry* the ſeuenth made, was in his twentieth yeare, wherein hee had another benevolence both of the Cleargy and Laity, a part of which taken of the poorer ſort, hee ordained by his Teſtament that it ſhould bee reſtored. And for *King Henry* the eight, although hee was left in a moſt plentifull eſtate, yet he wonderfully preſt his people with great payments; for in the beginning of his time it was infinite that hee ſpent in Maſking and Tilting, Banquetting, and other vanities, before hee was entered into the moſt conſuming expence of the moſt fond and fruitleſſe warre that euer King vndertooke. In his fourth yeare hee had one of the greateſt ſubſedies that euer was granted; for beſides two fifteenes and two diſmes, hee vſed *Dauids* Lawe of Capitation or head-money, and had of euery Duke ten markes, of euery Earle fiue pounds, of euery Lord foure pounds, of euery Knight foure markes, & euery man rated at 8^{l} in goods, 4 markes, and ſo after the rate: yea euery man that was valued but at 40^{s} paide 12^{d}, and euery man and woman aboue 15 yeares 4^{d}. Hee had alſo in his ſixt yeare diuers ſubſedies granted him. In his fourteenth there was a tenth demaunded of euery mans goods, but it was moderated. In the Parliament following,

the Clergie gaue the King the halfe of their ſpirituall liuings for one yeare,& of the Laity there was demanded 800000^{l}, which could not be levied in England, but it was a marveilous great gift that the king had giuen him at that time. In the Kings ſeuenteenth yeare was the Rebellion before ſpoken of, wherein the King diſavowed the Cardinall. In his ſeuenteenth yeare hee had the tenth and fifteenth giuen by Parliament, which were before that time paide to the Pope. And before that alſo, the monyes that the King borrowed in his fifteenth yeare were forgiuen him by Parliament in his ſeuenteenth yeare. In his 35 yeare a ſubſedy was granted of 4^{d} the pound of euery man worth in goods from 20^{s} to 5^{l}, from 5^{l} to 10^{l} and vpwards of euery pound 2^{s}. And all ſtrangers, deniſens and others doubled this ſumme, ſtrangers not being inhabitants aboue 16 yeares, 4^{d} a head. All that had Lands, Fees, and Annuities, from 20 to 5^{l}, and ſo double as they did for goods: And the Cleargy gaue 6^{d} the pound. In the thirty ſeuenth yeare, a Benevolence was taken, not voluntary, but rated by Commiſſioners, which becauſe one of the Aldermen refuſed to pay, he was ſent for a ſoldier into *Scotland*. He had alſo another great ſubſedy of ſixe ſhillings the pound of the Clergy, and two ſhillings eight pence of the goods of the Laity, and foure ſhillings the pound vpon Lands.

Edw.6. In the ſecond yeare of *Edward* the ſixt, the Parliament gaue the King an ayde of twelue pence the pound of goods of his Natural ſubiects, and two ſhillings the pound of ſtrangers, and this to continue for three yeares, and by the ſtatute of the ſecond and third of *Edward* the ſixt, it may appeare, the ſame Parliament did alſo giue a ſecond ayde, as followeth, (to wit) of euery Ewe kept in ſeuerall paſtures, 3^{d}: of euery weather kept as aforeſaid 2^{d}: of euery ſheepe kept in the Common, 1^{d} ob. The Houſe gaue the King alſo 8^{d} the pound of euery woollen cloath made for the ſale throughout *England* for three yeares. In the third and fourth of the King, by reaſon of the troubleſome gathering of the poly mony vpon ſheepe, & the taxe vpon cloath, this acte of ſubſeld

ſedy was repeal'd, and other reliefe giuen the King, and in the kings ſeauenth yeare hee had a ſubſedy and two fifteenes.

In the firſt yeare of Queene *Mary*, tunnage and poundage were granted. In the ſecond yeare a ſubſedy was giuen to King *Philip*, and to the Queene, ſhee had alſo a third ſubſedy *in Annis* 4. & 5. *M.R.*

Now my Lord, for the Parliaments of the late Queenes time, in which there was nothing new, neither head money, nor ſheepe money, nor eſcuage, nor any of theſe kindes of payments was required, but onely the ordinary ſubſedies, & thoſe as eaſily graunted as demaunded, I ſhall not neede to trouble your Lordſhip with any of them, neither can I informe your Lordſhip of all the paſſages and actes which haue paſſed, for they are not extant, nor printed. *Eliz.R.*

COVNS. No, it were but time loſt to ſpeake of the latter, and by thoſe that are alreadie remembred, we may iudge of the reſt, for thoſe of the greateſt importance are publique. But I pray you deale freely with mee, what you thinke would bee done for his Maieſtie, if hee ſhould call a Parliament at this time, or what would bee required at his Maieſties hands?

IVST. The firſt thing that would be required, would be the ſame that vvas required by the Commons in the thirteenth yeare of *H.* the 8: (to wit) that if any man of the commons houſe ſhould ſpeake more largely, then of duety hee ought to doe, all ſuch offences to be pardoned, and that to be of record.

COVNS. So might euery Companion ſpeake of the King what they liſt.

IVST. No my Lord, the reuerence vvhich a Vaſſall ovyeth to his Soueraigne, is alvvaies intended for euery ſpeech, howſoeuer it muſt import the good of the King, and his eſtate, and ſo long it may bee eaſily pardoned, othervviſe not; for in Queene *Elizabeths* time, vvho gaue freedome of ſpeech in all Parliaments, vvhen *Wentworth* made thoſe moti-

motions, that were but ſuppoſed dangerous to the Queenes eſtate, he was impriſoned in the Towre, notwithſtanding the priviledge of the houſe, and there died.

COVNS. What ſay you to the *Scicilian veſpers* remembred in the laſt Parliament?

IVST. I ſay, hee repented him heartily that vſed that ſpeech, and indeede beſides that, it was ſeditious, this example held not: The *French* in *Scicily* vſurped that Kingdome, they kept neither law nor faith, they tooke away the inheritance of the Inhabitants, they tooke from them their wiues, and rauiſhed their daughters, committing all other inſolencies that could bee imagined. The Kings Maieſty is the Naturall Lord of *England*, his Vaſſals of *Scotland* obey the Engliſh Lawes, if they breake them, they are puniſhed without reſpect. Yea his Maieſty put one of his Barons to a ſhamefull death, for being conſenting onely to the death of a Common Fencer: And which of theſe euer did or durſt commit any outrage in *England*, but to ſay the trueth, the opinion of packing the laſt, was the cauſe of the contention and diſorder that happened.

COVNS. Why ſir? doe you not think it beſt to compound a Parliament of the Kings ſeruaunts and others, that ſhall in all obey the kings deſires?

IVST. Certainely no, for it hath neuer ſucceeded well, neither on the kings part, nor on the ſubiects, as by the Parliament before-remembred your Lordſhippe may gather, for from ſucha compoſition doe ariſe all jealouſies, and all contentions. It was practized in elder times, to the great trouble of the kingdome, and to the loſſe and ruine of many. It was of latter time vſed by *King Henry* the eight, but enery way to his diſadvantage. When the *King* leaues himſelfe to his people, they aſſure themſelues that they are truſted and beloued of their king, and there was neuer any aſſembly ſo barbarous, as not to aunſwere the loue and truſt of their *King*. *Henry* the ſixt when his eſtate was in effect vtterly ouerthrowne, & vtterly impoueriſhed at

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the humble requeſt of his Treaſurer made the ſame knowne to the Houſe, or otherwiſe, vſing the Treaſurers owne words, *Hee humbly deſired the King to take his ſtaffe, that hee might ſaue his wardſhip.*

Covns. But you know, they will preſently bee in hand with thoſe impoſitions, which the King hath laid by his owne royall prerogatiue.

Ivst. Perchance not my Lord; but rather with thoſe impoſitions that haue beene by ſome of your Lordſhips laide vpon the King, which did not ſome of your Lordſhips feare more than you doe the impoſitions laid vpon the Subjects, you would neuer diſſwade his Majeſtie from a Parliament: For no man doubted, but that his Majeſtie was adviſed to lay thoſe impoſitions by his Councell; and for particular things on which they were laid, the aduice came from petty fellowes (though now great ones) belonging to the Cuſtome-houſe. Now my Lord, what prejudice hath his Majeſtie (his revenue beeing kept vp) if the impoſitions that were laid by the aduice of a few, be in Parliament laid by the generall Councell of the kingdome, which takes off all grudging and complaint.

Covns. Yea Sir, but that which is done by the *King*, with the aduice of his priuate or priuy Councell, is done by the *K*ings abſolute power.

Ivs. And by whoſe power is it done in Parliament, but by the *K*inges abſolute power? miſtake it not my Lord: The 3 eſtates doe but adviſe, as the priuy Councel doth, which advice if the king embrace, it becomes the kings own acte in the one, & the ki[illegible] law in the other, for without the kings acceptation, bo[illegible]e publicke & priuate aduices bee but as empty egge-ſhels; and what doth his Majeſtie looſe if ſome of thoſe things, which concerns the poorer ſort be made free again, & the reuenue kept vp vpō that which is ſuperfluous? *I*s it a loſſe to the *K*. to be beloued of the Commons? if it be revenue which the *K*. ſeekes, is it not better to take it of thoſe that laugh, than of thoſe that crie? Yea if all bee content to pay vpon a moderation and chaunge of the Species:

Is it more honourable and more ſafe for the *King*, that the Subject pay by perſwaſion, then to haue them conſtrayned? If they be contented to whip themſelues for the King, were it not better to giue them their rod into their owne hands, than to commit them to the executioner? Certainly it is farre more happy for a Soveraigne Prince, that a Subject open his purſe willingly, than that the ſame bee opened by violence. Beſides that when impoſitions are laid by Parliament, they are gathered by the authority of the lawe, which (as aforeſaid) rejecteth all complaints, and ſtoppeth every mutinous mouth: It ſhall ever be my praier, that the King embrace the Councell of honour and ſafety, & let other Princes embrace that of force.

COVNS. But good Sir, it is his *Prerogatiue* which the K. ſtands vpon, and it is the *Prerogatiue* of the kings, that the Parliaments doe all diminiſh.

IVST. If your Lordſhip would pardon mee, I would ſay then, that your Lordſhips objection againſt Parliaments is ridiculous. In former Parliaments three thinges haue beene ſuppoſed diſhonour of the King. The firſt, that the Subjects haue conditioned with the King, when the King hath needed them, to haue the great Charter confirmed: the ſecond, that the Eſtates haue made Treaſurers for the neceſſary and profitable diſburſing of thoſe ſummes by them given, to the end, that the kinges, to whom they were giuen, ſhould expend them for their owne defence, & for the defence of the common-wealth: The third, that theſe haue preſt the King to diſcharge ſome great Officers of the Crowne, and to elect others. As touching the firſt my Lord, I would faine learne what diſadvantage the Kings of [illegible] and haue had by confirming the great Charter, the breach of which haue ſerved onely men of your Lordſhips ranke, to aſſiſt their owne paſsions, and to puniſh and impriſon at their owne diſcretion the Kings poore Subjects. Concerning their private hatred, with the colour of the Kings ſervice, for the Kings Majeſtie takes no mans inheritance (as I haue ſaid before) nor

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any mans life, but by the Law of the land, according to the Charter. Neither doth his Majeſtie impriſon any man, (matter of practice, which concernes the preſervation of his eſtate excepted) but by the law of the land. And yet hee vſeth his prerogatiue as all the Kings of *England* haue ever vſed it: for the ſupreame reaſon cauſe to practiſe many thinges without the aduice of the law. As in inſurrections and rebellions, it vſeth the marſhall, and not the common law, without any breach of the Charter, the intent of the Charter cõſidered truely. Neither hath any Subject made complaint, or beene grieued, in that the Kings of this land, for their own ſafties, and preſervation of their eſtates, haue vſed their Prerogatiues, the great Enſigne, on which there is written *ſoli Deo*. And my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peeres vncall'd? And withall, was not *Byron* vtterly (contrary to the cuſtomes & priviledges of the *French*) denyed an advocate to aſsiſt his defence? for where lawes forecaſt cannot prouide remedies for future daungers, Princes are forced to aſsiſt themſelues by their *prerogatiues*. But that which hath beene ever grieuous, and the cauſe of many troubles, very dangerous is, that your Lordſhips abuſing the reaſons of ſtate, doe puniſh and impriſon the Kings Subiects at your pleaſure. It is you my Lords, that when Subjects haue ſometimes neede of the Kings prerogatiue, doe then vſe the ſtrength of the law, and when they require the lawe, you afflict them with the prerogatiue, and tread the great Charter (which hath beene confirmed by 16. actes of Parliament) vnder your feete, as a torne parchiment or waſt paper.

Covns. Good Sir, which of vs doe in this ſort breake the great Charter? perchance you meane, that we haue aduiſed the King to lay the new impoſitions.

Ivst. No my Lord: there is nothing in the great Charter againſt impoſitions: and beſides that, neceſsity doth perſwade them. And if neceſsity doe in ſomewhat excuſe a private man *à fortiori*, it may then excuſe a Prince. Againe, the

Kinges Majeſtie hath profit and increaſe of revenue by the impoſitions. But there are of your Lordſhips (contrary to the direct letter of the Charter) that impriſon the Kinges Subjects, and deny them the benefit of the law, to the Kings diſprofit. And what do you otherwiſe thereby (if the impoſitions be in any ſort grievous) but *Renovare dolores*? and withall digge out of the duſt the long-buried memory of the Subjects former intentions with their Kings.

COVNS. What meane you by that?

IVST. I will tell your Lordſhippe when I dare, in the meane time it is enough for mee, to put your Lordſhip in minde, that all the eſtates in the world, in the offence of the people, haue either had profit or neceſsity to perſwade them to adventure it, of which, if neither bee vrgent, and yet the Subject exceedingly grieved, your Lordſhip may conjecture, that the Houſe will bee humble ſuitors for a redreſſe. And if it bee a Maxime in policie to pleaſe the people in all thinges indifferent, and neuer ſuffer them to bee beaten, but for the Kinges benefit, (for there are no blowes forgotten with the ſmart but thoſe) then I ſay to make them vaſſals to vaſſals, is but to batter downe thoſe maſtering buildings, erected by King *Henry* the ſeaventh, and fortified by his Sonne, by which the people and Gentlemen of *England* were brought to depend vpon the King alone. Yea my good Lord, our late deare Soveraigne kept them vp, and to their advantage, as well repaired as ever Prince did, *Defend mee, and ſpend me*, ſaith the *Iriſh* churle. Q. E.

COVNS. Then you thinke that this violent breach of the Charter will be the cauſe of ſeeking the confirmation of it in the next Parliament, which otherwiſe could neuer haue bin moued.

IVST. I knowe not my good Lord, perchance not, for if the Houſe preſſe the King to graunt vnto them all that is theirs by the lawe, they cannot (in juſtice) refuſe the King all that is his by the lawe. And where will bee the iſſue of ſuch a contention? I dare not divine, but ſure I am that

that it will tend to the preiudice both of the K: and ſubiect.

COVNS. If they diſpute not their owne liberties, why ſhould they then diſpute the Kings liberties, which wee call his prerogatiue.

IVST: Among ſo many & ſo diuerſe ſpirits, no man can foretell what may be propounded, but howſoeuerif, the matter be not ſlightly handled on the Kings behalfe, theſe diſputes will ſoone diſſolue, for the King hath ſo little neede of his prerogatiue, and ſo great advantage by the lawes, as the feare of imparing the one, to wit, the prerogatiue, is ſo impoſſible, and the burthen of the other (to wit) the lawe ſo waighty, as but by a branch of the Kings prerogatiue, namely of his remiſſion and pardon, the ſubiect is no way able to vndergoe it. This my Lord is no matter of flouriſh that I haue ſaid, but it is the truth, and vnanſwerable.

COVNS. But to execute the lawes very ſeverely, would be very grievous.

IVST. Why my Lord, are the Lawes grievous which our ſelues haue required of our Kings? and are the prerogatiues alſo which our Kings haue reſerued to themſelues alſo grieuous? how cā ſuch a people then be well pleaſed? And if your Lordſhip confeſſe that the lawes giue too much, why does your Lordſhip vrge the prerogatiue that giues more? Nay *I* will be bold to ſay it, that except the Lawes were better obſerued, the prerogatiue of a religious Prince hath manifold leſſe perils then the letter of the Lawe hath. Now my Lord, for the ſecond & third, to wit, for the appointing of Treaſurers, and remouing of Counſellers, our Kings haue evermore laught them to ſcorne that haue preſt either of theſe, & after the Parliament diſſolued, tooke the money of the Treaſurers of the Parliament, and recalled & reſtored the officers diſcharged, or elſe they haue bin contented, that ſo me ſuch perſons ſhould be remoued at the requeſt of the whole kingdome, which they themſelues out of their noble natures, would not ſeeme willing to remoue.

COVNS. Well *Sir*, would you notwithſtanding all theſe arguments adviſe his Maieſty to call a Parlament?

IVST: It belongs to your Lordſhips who enioy the Kings fauour, & are choſen for your able wiſdome to adviſe the K. It were a ſtrange boldneſſe in a poore and priuate perſon, to adviſe Kings, attended with ſo vnderſtanding a Councell. But belike your Lordſhips haue conceiued ſome other way, how money may be gotten otherwiſe. If any trouble ſhould happen, your Lordſhip knowes, that then there were nothing ſo daungerous for a King, as to be without money: a Parliament cannot aſſemble in haſte, but preſent dangers require haſty remedies. It wil be no time then to diſcontent the ſubiects by vſing any vnordinary wayes.

COVNS. Well Sir, all this notwithſtanding wee dare not adviſe the king to call a parliament, for if it ſhould ſucceede ill, wee that adviſe, ſhould fall into the kings diſgrace. And if the king be driuen into any extremity, wee can ſay to the K. that becauſe we found it extreamely vnpleaſing to his Maieſtie to heare of a Parliament, we thought it no good manners to make ſuch a motion.

IVST. My Lord, to the firſt let me tell you, that there was never any iuſt Prince that hath taken any advantage of the ſucceſſe of Councels, which haue beene founded on reaſon. To feare that, were to feare the loſſe of the bell, more then the loſſe of the ſteeple, and were alſo the way to beate all men from the ſtudies of the Kings ſeruice. But for the ſecond, where you ſay you can excuſe your ſelues vpon the Kinges owne proteſting againſt a parliament, the king vpon better conſideration may encounter that fineneſſe of yours.

COVNS: How I pray you?

IVST: Even by declaring himſelfe to be indifferent, by calling your Lordſhips together, and by delivering vnto you, that he heares how his loving ſubiects in generall are willing to ſupply him, if it pleaſe him to call a Parliament, for that was the common anſwere to all the Sheriffes in England, when the late benevolence was commaunded. In which reſpect, and becauſe you come ſhort in all your proiects, and becauſe it is a thing moſt daungerous for a King to be without treaſure, he requires ſuch of you, as either miſlike, or rather

ther feare a parliament, to ſet downe your reaſons in writing, which you either miſliked, or feared it. And ſuch as wiſh and deſire it, to ſet downe anſweres to your obiections: And ſo ſhall the King prevent the calling or not calling on his Maieſty, as ſome of your great Councellers haue done in many other things ſhrinking vp their ſhoulders, and ſaying, the K. will haue it ſo.

COVNS. Wel Sir, it growes late, and I will bid you farewell, only you ſhall take well with you this advice of mine, thst in all that you haue ſaid againſt our greateſt, thoſe men in the end ſhalbe your Iudges in their owne cauſe, you that trouble your ſelfe with reformation, are like to be well rewarded: for hereof you may aſſure your ſelfe, that wee will never allow of any invention how profitable ſoeuer, vnleſſe it proceede, or ſeeme to proceede from our ſelues.

IVST: If then my Lord, wee may preſume to ſay that Princes may be vnhappy in any thing, certainly they are vnhappy in nothing more then in ſuffering themſelues to be ſo incloſed. Againe, if we may beleeu *Pliny*, who tels vs, that t'is an ill ſigne of proſperity in any kingdome or ſtate, where ſuch as deſerue well, find no other recompence then the contentment of their owne conſciences, a farre worſe ſigne is it, where the juſtly accuſed ſhall take revenge of the juſt accuſer. But my good Lord, there is this hope remaining, that ſeing he hath beene abuſed by them he truſted moſt, hee will not for the future diſhonour of his iudgment (ſo well informed by his owne experience) as to expoſe ſuch of his vaſſals (as haue had no other motiues to ſerue him, then ſimply the loue of his perſon and his eſtate) to their revenge, who haue only beene moued by the loue of their owne fortunes, and their glory.

COVNS: But good Sir, the King hath not beene deceiued by all.

IVST. No my Lord, neither haue all beene truſted, neither doth the world accuſe all, but beleeue, that there be among your Lordſhips very juſt and worthy men, aſwell of the Nobility as others, but thoſe though moſt honoured in the Common-

Common-wealth, yet haue they not beene moſt imployed: your Lordſhip knowes it well enough, that 3 or 4 of your Lordſhips haue thought your hands ſtrong enough to beare vp alone the weightieſt affaires in the Common-wealth, and ſtrong enough, all the land haue found them to beate downe whom they pleaſed.

COVNS: I vnderſtand you, but how ſhall it appeare that they haue onely ſought themſelues.

IVST: There needes no perſpectiue glaſſe to diſcerne it, for neither in the treaties of peace and warre, in matters of revenue, and matters of trade, any thing hath happened either of loue or of judgment. No my Lord, there is not any one action of theirs eminent, great or ſmall, the greatneſſe of themſelues only excepted.

COVNS: It is all one, your papers can neither anſwere nor reply, we can. Beſides you tell the King no newes in delivering theſe complaints, for hee knowes as much as can be told him.

IVST: For the firſt my Lord, whereas he hath once the reaſons of things deliuered him, your Lordſhips ſhall neede to be well adviſed, in their anſweres there is no ſophiſtrie wil ſerue the turne, where the Iudge, & the vnderſtāding are both ſupreame. For the 2d, to ſay that his Maieſty knowes, & cares not, that my Lord were but to deſpaire all his faithfull ſubiects. But by your fauour my Lord, wee ſee it is contrary, wee find now that there is no ſuch ſingular power as there hath beene, juſtice is deſcribed with a ballance in her hand, holding it even. and it hangs as even now as ever it did in any kings dayes, for ſingular authority begets but generall oppreſſion.

COVNS. How ſoeuer it be, that's nothing to you, that haue no intereſt in the kings fauour, nor perchance in his opinion, & concerning ſuch a one, the miſliking, or but miſconceiuing of any one hard word, phraſe, or ſentence, will giue argumēt to the K. either to cōdemn or reiect the whole diſcourſe. And howſoever his Mty may neglect your informations, you may be ſure that others (at whom you point) wil not neglect

their

their reuenges, you will therefore confeſſe it (when it is too late) that you are exceeding ſory that you haue not followed my aduice. Remēber Cardinall *Woolſey*, who loſt all men for the Kings ſervice, and when their malice (whom hee grieved) had out-liued the Kings affection, you know what became of him as well as I.

IVST. Yea my Lord, I know it well, that malice hath a longer life, than either loue or thankfulneſſe hath, for as we alwaies take more care to put off paine, than to enjoy pleaſure, becauſe the one hath no intermiſsion, & with the other we are often ſatisfied, ſo it is in the ſmart of injury and the memory of good turnes: *Wrongs are written in marble: Benefits are (ſometimes) acknowledged, rarely requited.* But my Lord, wee ſhall doe the K. great wrong, to judge him by common rules, or ordinary examples, for ſeeing his Majeſty hath greatly enriched and advanced thoſe that haue but pretended his ſervice, no man needes to doubt of his goodneſſe towards thoſe that ſhal performe any thing worthy reward. Nay, the not taking knowledge of thoſe of his owne vaſſals that haue done him wrong, is more to be lamented, than the relinquiſhing of thoſe that doe him right, is to be ſuſpected. I am therefore, my good Lo: held to my reſolutiō by theſe 2, beſides the former. The 1, that God would neuer haue bleſt him with ſo many yeres, & in ſo many actiōs, yea in all his actions, had he paid his honeſt ſervants with evill for good. The 2d, where your Lordſhip tells me, that I will be ſorry for not following your aduice. *I* pray your Lordſhip to beliеue, that *I* am no way ſubiect to the common ſorrowing of worldly men, this *Maxime* of *Plato* beeing true, *Dolores omnes ex amore animi erga corpus naſcuntur.* But for my body, my mind values it at nothing.

COVNS. What is it then you hope for or ſeeke?

IVST. Neither riches, nor honour, nor thankes, but *I* only ſeeke to ſatisfie his Majeſtie (which *I* would haue bin glad to haue done in matters of more importance) that *I haue liu'd, and will die an honeſt man.*

FINIS.

The Authours Epitaph, made *by himselfe.*

EVen such is Time, which takes in trust
Our Youth, and Ioy's, and all wee haue,
And payes vs but with age and dust,
Which in the darke and silent graue,
When wee haue wandred all our wayes,
Shuts vp the story of our daies:
And from which Earth, and Graue, and Dust,
The Lord shall raise mee vp I trust.